

When we look at all these requirements, what we are doing is creating a system where for an 11-year-period these people are going to be punished and they are going to go through what I call a purgatory of time. It is an 11-year waiting period before they are eligible to obtain citizenship.

So this legislation ought to be correctly characterized as legislation that stands up for law and order, that addresses our broken borders and the lawlessness that comes from those broken borders.

I wish to briefly also address the tenor of the debate in the United States of America with respect to this issue of immigration reform, which we are debating in Washington, DC, and across our great Nation.

I think President Bush had it right when he talked about this issue a few days ago. He said:

When we conduct this debate, it must be done in a civil way. It must be done in a way that brings dignity to the process. It must be done in a way that doesn't pit one group of people against another. It must be done in a way that recognizes our history.

That is what President Bush said about the kind of debate we ought to be having in America today on immigration.

Yet the reality is that the kind of debate that is going on in some places in America is a debate that is very vitriolic and is very poisonous. It serves to divide our country as opposed to uniting our country.

I myself have been the subject of many of these attacks by telephone and e-mails as well, I am sure, as many of my colleagues who are working in the Senate today. Some of those attacks that have been launched against me have said I should simply go back to Mexico because I am a "spic." I resent that because my family founded a great part of this country, including the city of Santa Fe, NM, some 400 years ago. My family has supported this country through war and depression and a whole host of different ways.

Like all Americans, I believe we are equal and that we should be celebrating the diversity that makes us a strong country. So the kind of comments and the kind of poison that sometimes comes from these comments we are getting from around the country, including my own State of Colorado, is not helpful for us as we move forward to create comprehensive immigration reform.

I have received other kinds of comments such as from someone calling from my State:

I am not a racist against Mexicans. I want all minorities kicked out.

Another one:

Put all the illegal aliens on trains and deport them out of the country. They come in vans. Railcars would be a step up.

Those are just a few samples of the thousands of negative messages I have received in my office as we have engaged in this debate.

I go back to the President's statement that as we move forward in this

debate on this Senate floor and in this country, we should appeal to the better angels of people to ensure we can have a civil debate about a very important issue, that goes to the heart of America's national security, that addresses the economic realities that are addressed in the package that came out of the Judiciary Committee, and that also addresses the humanity involved in the immigration chaos in which we find ourselves.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

SECURING AMERICA'S BORDERS ACT—Continued

Mr. DURBIN. Mr. President, I have been advised that amendments are not being accepted at the moment, so I will withhold it until the appropriate time. I ask unanimous consent to speak to the amendment so that my colleagues will be apprised of its contents.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, last December, Senator BROWNBACK of Kansas and I went to Africa and went to a part of Africa I had never visited before. It is a part most Americans are not familiar with. It is called the Democratic Republic of Congo. We have known of it throughout history as the Congo. It is a huge expanse of country, with its capital of Kinshasa in the western part of the Democratic Republic of Congo, and then in the far eastern regions is a section of the world that has been hit hard time and again by devastating loss.

In the area around Goma, in the eastern part of Congo, a few years ago they were hit by a volcano that left 2½ feet of lava in this poor town, destroying most of the buildings that were there. They have been victims of disease, of all of the trappings of poverty, which we are aware of in the continent of Africa, while at the same time there has been an ongoing war, which has killed so many innocent people. It is amazing, the resilience and the courage of the people in east Congo.

Senator BROWNBACK and I went there because we had heard that, with little fanfare in the West, 1,000 people a day

were dying in this part of the world from all of the different events I have just noted. We went to a hospital in Goma, which is known as the Docs' Hospital, run by a Protestant church, in an effort to provide some basic health care in the Congo. We met with some amazing doctors who work for the Government of the Congo.

Some of you who are fans of the "Oprah" show from Chicago may know she has focused on a problem they are addressing which is known as obstetric fistula. This is a terrible injury a woman sustains when she is either sexually assaulted or at too young an age goes through a prolonged labor before delivering a baby and has problems that can be very devastating to her personally. So many of the women in this region of the world come to this hospital in Goma in the hopes of a surgery. There is a very modern surgical suite there financed by the United Nations but very few doctors. They have one surgeon.

I asked the doctor who was there: How many doctors do you have in this region of the world for the people who live here?

He said: We have 1 doctor for each 165,000 people. One doctor.

I said: How many surgeons?

He said: Oh, that is hard.

He did a quick calculation, and he said: I believe we have 1 surgeon for every 3 million people who live here. There is 1 surgeon for every 3 million people.

Imagine if we only had one surgeon for the city of Chicago. That is comparable in terms of numbers.

I talked to him for a while about this challenge and the fact that there are not nurses and doctors and surgeons necessary to treat these poor people. He talked to me about some of the challenges they face, not just the matter of being paid by the Government, if you are lucky—no more than \$600 a month—but also the lure of the West on these doctors.

We need doctors desperately in the United States. I represent a State with rural communities that are anxious to bring in doctors. We are not really that picky when it comes to their national origin. If they are competent, well-trained doctors, they will take them from anywhere in many of the small towns I represent. My State is not unlike many other States. But what we find here is this situation where our immigration laws are written in a way to attract doctors from those parts of the world most in need of doctors at the present time. So as Africa and Asia and other parts of the world deal with the global AIDS epidemic and terrible medical problems such as tuberculosis and malaria, the doctors who could successfully treat the people living there are lured from those low-paying jobs in desperate circumstances, with limited medical facilities, to the very best opportunities in the United States.

I thought about that as I flew back from Africa: What is the fair thing to

do? We need doctors in the United States, that is for sure, but they desperately need them in the developing parts of the world, and we are luring these doctors away. We are draining away this medical talent from a part of the world that needs it the most.

I am going to be offering an amendment later on to this immigration bill, and the purpose of this amendment is twofold.

First, it would require health care professionals and medical and nursing students who are applying for legal permanent residency or a temporary visa to attest whether they have committed to return to their home country. I believe that is important because if someone, for example, in Congo has their surgical residency—it costs about \$50,000—paid for by the Government of the Congo with the understanding that they will stay and serve for a certain number of years, we should honor that contract. I think that Government has gone out of its way to provide the most basic need of every person on Earth—medical care—and for the United States to step in and say: We will ignore that commitment you made to the Government that paid for your education because we want you to come to the United States I believe is wrong. So this amendment would say that we have to honor those commitments made by those who said: For the cost of my education, I will work for a year or 2 years or 3 years in the country that paid for it. That is No. 1.

No. 2, with this amendment, we would allow doctors and nurses who are legal permanent residents to return temporarily to help countries of citizenship or to reside in certain developing countries to work as health care professionals. What that means, of course, is if you are here in the United States as a legal permanent resident, you can return to a country that is desperately in need of doctors without jeopardizing your right to come back to the United States. So those who feel a special bond with their home country can go in a medical crisis, help the people, and then come back to the United States without penalty.

These are two changes which are not massive but are important because they address, first, keeping your word. If you say: I will help the people of this country if you pay for my medical education, you should keep your word, and the United States should not ignore the fact that you have made that promise.

Secondly, if you are here in the United States and want to return to help people in some of the poorest parts of our world, we should say we want you to do that. It is a compassionate decision on your part that we will honor and not penalize you for in terms of your legal residency here in the United States.

I believe this amendment addresses two aspects of the problem that are important, but as I reflected on it, there is much more to this.

Why is it that we bring in so many medical professionals from other countries around the world? The obvious answer is we are not graduating enough doctors, we are not graduating enough surgeons, specialists, nurses, health care practitioners, to meet the need in the United States. So in addition to keeping an eye on the needs of the world, we need to focus our attention as well on the needs of the United States. That means in the bills that we are considering relating to education and scholarships, assistance and encouragement, we need to put in place programs which will help these health care professionals complete their education in the United States.

Now, what does that mean? Let me give you one illustration. I was born in East St. Louis, IL. I am very proud of my hometown. It was a blue-collar town. It has gone through some extremely tough times. Just 2 weeks ago, I returned to East St. Louis Senior High School, which is six blocks from where I grew up. We met with students to talk about a number of things.

A group came up to me afterward. These were six male students at East St. Louis Senior High School, and they said: Senator, we want to talk to you about our school.

I said: Sure. What do you want to talk about?

They said: Why is it that at our school in East St. Louis, the students don't have personal computers, and yet, just up the hill in Bellevue, they do? Why is it that in our school we don't have the equipment in our chemistry lab or our physics lab that we need to really learn these subjects, while in schools just a few miles away they do?

The answer is obvious: It is the way we finance education in America. There are school districts that have and school districts that have not and, sadly, in many respects, East St. Louis is one of those school districts that do not have the basics when it comes to some of the equipment they need so their students can be well trained.

If we are serious about having enough doctors and nurses and health care professionals, we have to be serious about the education we provide for the students across America. I believe we are falling dreadfully short.

No Child Left Behind tests students across America to find out where they are deficient, where they are falling behind. That is a good thing. Kids hate to take tests; I always hated to take a test. But if you can't measure it, you wonder if there is real value. In this situation, a test at least tells you whether a student is progressing. Equally important, the tests are divided in schools, so it isn't just the average score you are reading; you will read the score for majority students, minority students, those who are special education students, those who are taking English as a second language. You may find that the average score is comforting, but when you break out

the groups, there are some that need extra attention, extra help.

The problem is that the President encouraged us to pass No Child Left Behind, which tests for and identifies the problem, but then the administration refuses to send resources to deal with it. So now we have school districts testing kids right and left, coming up with results, some of them being labeled as failing schools, and they turn to us and say: Well, will you give us a helping hand? You put mandates on us, such as treating special education students, and instead of providing 40 percent of the cost of that education as you promised, you are only providing 18 percent. And now you identify students within our schools who are falling behind in testing, and yet no resources come forward—resources for smaller classroom sizes, resources for tutoring and mentoring, resources for afterschool programs and summer programs.

So if we are serious about being competitive in the 21st century, if we are serious about producing the health care professionals and engineering specialists and scientists we need to make sure we are competitive in this world, we must be serious about education at East St. Louis Senior High School and every school across America. We must focus our resources on America. A strong America begins at home, and it begins at home with our schools. It has been the ladder for generation after generation in America.

As I stand here, we spend \$2 billion a week on the war in Iraq. I voted for every penny for it. Although I voted against the resolution to go to war, it was my feeling that if it were my son or daughter in uniform, I would give them everything they needed to come home safely with their mission accomplished. But it is an expensive undertaking with no end in sight.

We decided—the President decided—that for our national security purposes, we would have to shoulder this burden of \$400 billion. That is what the war has cost us to date, approximately. I will leave here in a moment and go to the Senate Appropriations Committee, where we have been asked for another \$100 billion for the war in Iraq. I am confident it will pass quickly with bipartisan support. But if we are coming down to the basics in America, we have sacrificed things we need in our country in order to strengthen the country of Iraq. We have put billions of dollars on the plate for hospitals and schools and infrastructure to rebuild this country, while America has fallen short in many of the same areas.

So when we deal with this amendment on the future of health care in the world and in America, we need to focus on fairness when it comes to immigrants, health care professional immigrants from other countries. We need to create opportunities for health care professionals to help in other countries, but we need to focus resources in America on making us

strong as a nation right here at home. That means strengthening our schools, demanding of our kids that they not only do well on tests but stand by them to help if they are not doing well so they can improve and do better on the next test, and make a commitment as a nation for that to happen.

According to the World Health Organization, Africa loses 20,000 health professionals a year. It is part of a brain-drain. The United States is the largest consumer of health care professionals from some of the poorest places in the world, followed by France, Germany, and Great Britain. In the United States, we deal with rural and inner-city health care shortages, which we need to continue to address. But we understand now that many nursing schools have long waiting lists of qualified applicants. We don't have the capacity in many of our schools—nursing, medical schools, and the like—so we need to expand that base within our own country to produce those who can teach and those who can learn to serve us in medical professions in the years to come.

Let me give an example of another country aside from the Congo, which I mentioned earlier. Ethiopia has only 3 doctors for every 100,000 people and 20 nurses; 3 for every 100,000 people. In the United States, we have 549 doctors for every 100,000 people and 773 nurses. Yet according to Ambassador Randall Tobias, who has been confirmed as the U.S. Director of Foreign Assistance, there are more Ethiopian-trained doctors in Chicago than in the country of Ethiopia.

In the Democratic Republic of Congo, which I mentioned earlier, there were severe shortages of doctors and medical professionals at a time when those areas were desperately fighting the global AIDS epidemic. In Zambia, nearly a quarter of the adult population is infected with HIV/AIDS. But Zambia has lost over 90 percent of its doctors who graduated from medical school in the 1980s and 1990s and emigrated out of the country to the West and to Europe.

Secretary of State Condoleezza Rice recently said:

HIV/AIDS is not only a human tragedy of enormous magnitude, it is also a threat to the stability of entire countries and entire regions of the world.

We must make certain that we have the resources available through the Global Fund, through our PEPFAR appropriations, as well as appropriations to USAID and other agencies. But we also have to make certain that when a country overseas that is battling disease, that is trying to provide the most basic health care for its citizens, is doing its best, we should not be luring away their health care professionals who promised they would stay. I think we can extend America's health care capacity. We can do it with a strategy that includes good education for our children, focusing on math, science, and critical languages but also making certain our professional schools can

generate the doctors and nurses we need.

Today, with this amendment, we would take two modest steps in the right direction by passing the amendment to require would-be immigrants to fulfill pledges of service and to offer members of the Diaspora community who are working here a chance to share their badly needed skills. Imagine living in a country with 3 doctors for every 100,000 people. Then ask yourself what can we do about it. This amendment is a start.

Mr. President, I ask unanimous consent that Senator KENNEDY be recognized as the next Democratic speaker for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The order is to recognize the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senate had a rough kind of order in terms of speaking. I was told that this was the time to speak even in terms of other Senators. I intended to speak now. I ask unanimous consent that the Senator be recognized after I finish.

Does that help the Senator?

Mr. ENSIGN. Mr. President, if the Senator will yield, how long will he speak?

Mr. KENNEDY. Probably 20 minutes.

Mr. ENSIGN. Would the Senator mind if I went for maybe 2 or 3 minutes?

Mr. KENNEDY. I have no objection.

Mr. ENSIGN. Mr. President, to be fair, realizing that there will be objection to laying down amendments, I would speak maybe 2 or 3 minutes total.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, at the end of my remarks, I will ask to lay the pending business aside. Let me speak for a moment on the issue of immigration.

We are dealing with one of the most difficult issues that we will consider this year. It is difficult from a political standpoint, and it is difficult from a policy standpoint.

If we could poll all 100 Senators, we would probably have 100 different ways of solving the problem of illegal immigration.

However, I think we can all agree that we need to secure our borders. This should be our number one pri-

ority, and our national security depends on it. Then, we can begin to consider other reforms.

I, personally, believe it is important that we first secure all of our borders, including our Southern border, our Northern border, and our ports. Once we have secured our borders, as part of a comprehensive reform effort, we can then consider a temporary worker program. This program should require the worker to be continuously employed. It should also ensure that workers are contributing members of society, and are working to become proficient in English. In addition, this program should encourage the worker to have health care coverage.

I have drafted several amendments that are different from the current underlying bill. It is important that these amendments and other legislative proposals be considered for debate.

It is unfortunate that the other side is blocking the amendment process on the bill. They don't want to take some tough votes. I understand that. However, immigration reform is a critical issue facing our country. We must have a full debate in the Senate, which includes an opportunity to bring up amendments, have votes on them, and then determine how to proceed. I, and many of my colleagues, have several amendments that I believe will be very constructive to this process.

Many of us want a verifiable database from which employers can search for the legal work status of their employees. It may be several years before we can actually have that database up and running. The technical problems associated with the database are not addressed in the current underlying bill. I believe some of my colleagues have offered an amendment to address this important issue, and I believe my colleagues should be heard.

We also have to look at Social Security. Two of my amendments address serious issues related to Social Security.

In order to qualify for full Social Security retirement benefits, a worker must work a minimum of 10 years. Under current law, individuals who work in the United States illegally, and later obtain legal employment status, can use their illegal work history to qualify for benefits.

The promise of Social Security is for citizens and legal residents of the United States. It was not intended for individuals who enter our country illegally, purchase fraudulent green cards and documentation on the black market, and use them to get jobs. At a time when the solvency of our Social Security system is in question, it is wrong to allow those who have broken our laws to receive credit for their illegal work history.

In addition, I have serious concerns about the proposed Totalization Agreement with Mexico and its impact on the Social Security Trust Fund. The effects of the Totalization Agreement depend on the specific terms and language included in the agreement. We

do not know the terms of the agreement and will not know the exact terms until the President submits the agreement to Congress. We also don't know the exact cost of a Totalization Agreement with Mexico. I am concerned that if this agreement were to go into effect, it could severely impact the Social Security Trust Fund and threaten the retirement benefits of hard-working Americans. This issue needs to be addressed in the context of this debate.

I believe there are many technical problems with this bill that must be debated on the Senate floor. These issues should be addressed out in the open so that the American people can see what is being discussed. Unfortunately, this process is not going forward because the amendment process is being blocked.

I ask unanimous consent that the pending amendments be laid aside, and that I would be allowed to offer an amendment at this point.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. Mr. President, in closing, I realize that there are many differences in this chamber. Both Republicans and Democrats have different views on various aspects of this legislation. I believe it is absolutely critical that we move this process forward, that we allow for full debate on the Senate floor, and that we allow amendments to be debated and voted on.

I encourage my colleagues to think about how we proceed, as this is a critical issue facing our country.

I yield the floor, and I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator. From my own personal experience, the Senator has been very much involved and engaged in the provisions of the legislation—and has been during the consideration that we had in the Judiciary Committee.

Mr. President, I remind Members about where we are at the present time with the proposal passed out of the Judiciary Committee 12 to 6, bipartisan.

We had some 6 days of markups. We considered hundreds of different amendments. I was looking over a number of the amendments that had been considered and offered. There may be a few that weren't, but just about all of those were considered at one time or another before the Judiciary Committee. We held 7 days of hearings, listened to all different individuals who had a variety of different opinions on a wide variety of different subjects.

The basic legislation that we are considering here, in one form or another, has been out there for more than 2½ years prior to the 2004 election. I introduced legislation that had a number of parts of this legislation. Senator

MCCAIN introduced legislation, and Senator DASCHLE and Senator HAGEL worked together.

After the elections in 2004–2005, Senator MCCAIN and I worked together in May of 2005 and presented this legislation.

This issue has been before both our committee with extensive hearings. We had a markup as a result of the action of the chairman of our committee. We had the opportunity to take some action on this.

I know there are those who would like to discuss this and discuss and continue to discuss. Sometimes this institution has to take action. I am very hopeful we will be able to do that in these next couple of days.

Some Senators have tried to frame the debate on immigration between the Judiciary Committee bill and Senator FRIST's bill as a debate between those who would be tough on enforcement and those who would not.

We all recognize that our current immigration enforcement system is broken. Enforcement provisions is an area where a good deal of consensus has already emerged in this Chamber.

Both bills under consideration would enhance our capacity to monitor the immigration flows and stop illegal entry. They would double the number of Border Patrol agents over the next 5 years; add significant new technology at the border to create a "virtual fence"; develop new land and water surveillance plans; authorize new highway checkpoints near the border; and expand the exit-entry security system to all land borders and airports.

Both bills would increase our capacity to crack down on criminal syndicates that smuggle immigrants into the country and place them at great risk. They would create new criminal penalties for evading or refusing to obey commands of immigration officers and new criminal penalties for financial transactions involving money laundering or smuggling. They would create new fraudproof biometric immigration documents; direct increased resources to antifraud detection; and improve coordination among Federal, State, local, and tribal agencies to combat alien smuggling.

Both bills would increase cooperation with Mexico to strengthen that country's southern border to prevent illegal migration from Central America through Mexico into the United States. Both bills would facilitate cooperation with other governments in the region to prevent international gang activity.

In addition, both bills would reduce the job magnet in America by creating a universal electronic eligibility verification system so that employers can determine whether potential employees are authorized to work in the United States—very important. That does not exist today, and it is the basis of a great deal of the abuse that currently exists. It is one of the principal reasons the 1986 act was a failure.

They had a provision to adjust the status of amnesty in 1986, but there

would also be the requirement for ensuring that we were going to have the vigorous enforcement. It never happened, never existed because we were unable to develop the kind of verification that is so important. We do that under this legislation.

Both bills will substantially increase the penalties on employers that fail to comply with eligibility verification rules. And both bills will add 5,000 new enforcement agents to back up these provisions. We have had virtually no enforcement whatsoever. That has existed under Republican and Democratic administrations. But under this legislation, we will.

The Frist bill places greater emphasis on border fencing, a method of immigration control which we believe has proven ineffective over the last 10 years. The Judiciary Committee bill imposes new penalties on individuals who construct, finance, or use unlawful tunnels under the border. We believe this approach is important for enforcement. Senator FEINSTEIN has said these tunnels are one of the various methods immigrants now use to circumvent border fencing.

The real difference between these two bills involves what we do in addition—to these tough, new enforcement measures. Over the last week, we have heard two very different answers to this question, reflecting fundamentally different views of immigrants and the steps we should take to reform.

The Frist bill follows the lead of the House of Representatives. It treats immigrants as criminals. In fact, the Frist bill declares that all undocumented immigrants are criminals. It goes further than that, actually making it a felony to provide undocumented immigrants with non-emergency humanitarian assistance.

In bipartisan votes, two-thirds of the members of the Judiciary Committee rejected these measures because they conflict with our basic values, and they would do nothing to actually reduce the number of undocumented immigrants in this country. This is one reason why at least 184 religious groups support comprehensive reform with a path toward permanent status instead.

This is what they call the Cardinal Mahony provision, where Cardinal Mahony says his challenge is to deal with and help the poor, not to check their immigration status. When a mother consults and asks the cardinal, "My child is sick. Should I be going outside the country and returning to Mexico?" and Cardinal Mahony would say, "Your responsibility is to your child," that is aiding and abetting someone from returning to Mexico, and under the House bill they would be guilty of a felony. We are doing that for those who are members of the clergy, humanitarian organizations, non-profit organizations. It is absolutely wrong. As Cardinal Mahony said, it is the most vicious piece of legislation he has ever seen.

So our bill is not just tough on immigration enforcement; it also takes the necessary steps to make enforcement effective. We have tried enforcement, and what we have seen over the last 10 years is how it has failed.

Ten years ago, there were 40,000 illegal immigrants who were coming into the United States. Now there are more than 400,000. We have spent \$20 billion. We have increased border guards 300 percent over that period of time. We have created 66 miles of fencing along the border in the South. We have 1,800 miles to go along the Mexican border, 4,200 miles to go along the Canadian border on this.

We have to try. This has been a bankrupt policy. And to try to just do enforcement—enforcement only—is not going to work. How many more billions of dollars do we have to spend?

Our program is so much more efficient. The reason why is, we give focus and attention to those who are the troublemakers, the criminals, and those who are going to be dangerous to Americans.

The Border Patrol will be targeted in using its resources on those who are a danger to the United States, not chasing gardeners around the desert in the Southwest, which is happening now. That is a very major difference.

People who talk about national security understand this. That is why Secretary Chertoff testified we needed a comprehensive approach. That is an understanding. We understand this is a national security issue. As well as preserving and protecting our borders, it is a national security issue. We understand that. We have taken the steps in our enforcement provisions to make sure that is the case.

It is also dealing with our whole march toward progress in terms of opening up economic opportunity. And most importantly, I think it is a value issue about how we are going to treat individuals who work hard, love their family, play by the rules, pay their taxes, want to study English, want to be good citizens, and in many instances enlist in the military forces—70,000 of them over in Iraq and Afghanistan, in the service. Many are serving in Afghanistan.

That is the profile. That is generally the profile of what we like for our fellow Americans. Ninety-eight percent of the undocumented male workers are working today in the United States of America. These are hard-working people, trying to provide for their families.

It is interesting, to divert for a minute, the incidents, for example, of families staying together is much higher among those groups than the native population. There is a greater expenditure in education as to their children than among the native population, a much greater expenditure in terms of music and the arts as compared to the native population, a much greater evidence of attendance to church and religion as compared to the native population.

These are hard-working individuals who want to play by the rules. Under our particular legislation, they have to conform to the rules or they are out, and they have to do it for 11 years before they become a citizen—11 years—without running into any trouble, paying their taxes and doing what needs to be done. That is what is in our effort.

First, we strengthen the enforcement at the border and within the United States. We all agree with that point.

Second, we provide a path to legal status which will bring the 11 million undocumented immigrants already within the United States out of the shadows, and disrupt the culture of illegality which now corrodes our system.

Third, we must provide legal channels for future immigration flows so that U.S. employers who are unable to attract native workers are not tempted to hire illegal immigrants. And those procedures are outlined.

I have heard many speak about the guest worker program, and they have not read the bill. For the most part, they have to advertise in the United States in their area or region in terms of the worker, and then the individual who is selected has to meet all of the other various criminal background checks, other kinds of security checks.

They come to the United States, and rather than being exploited—as the workforce is today—as an undocumented, they are guaranteed the worker protections in the legislation in terms of prevailing wage, Davis-Bacon, other provisions, service contract provisions.

So rather than depressing wages—as exists today, and without this legislation will continue—this elevates them. That is enormously important.

I want to mention a particular provision in our bill that is extremely important; that is, the Judiciary Committee took the long overdue step of enacting what we call the DREAM Act. Under the DREAM Act, undocumented immigrant children would be given an opportunity to become American citizens if they can prove good moral character, if they have graduated from high school, and if they go on to college or join the military.

Many of my constituents in Massachusetts are undocumented children who would benefit from this act. I wish to share three of their stories, provided by the Massachusetts Immigrant & Refugee Advocacy Coalition:

Mario has lived in Chelsea, MA, for the past 7 years. He is a stellar student, patient caretaker for his 4-year-old brother, and a leader in the community. Mario is currently facing deportation. In Mario's own words:

I did not make the choice to come to this country; however, over time this country has become my home. My time in the U.S. has consisted of nothing but hard work and positive service to the community and all I want is for that to continue. I see this country as my home, and I have always striven to do the right thing. I know that I have a lot to offer this country if I am only given the chance to do so.

Jessica was brought to this country when she was 3 years old, originally from the Dominican Republic. She graduated last year with honors from Madison Park High School in Boston but was unable to pursue her dream of studying psychology because of her status. Jessica was a member of the National Honor Society and an officer in the Marine JROTC. Jessica says going to college is the only way for her to secure a better future for herself and her family. The United States is the only country she has ever known.

Flavio graduated last year from the Burke High School in Dorchester. He made a complete turnaround from 9th grade to his sophomore year—he turned Ds and Fs into all As and Bs. When asked about his amazing turnaround, he responds that his mother sent him to this country to do something with his life and that is what he decided to do. He is a member of the National Honor Society, honor roll, captain of the track and soccer teams. He was accepted at Roxbury Community College but was not able to attend because of lack of access to financial aid or scholarships. Flavio's parents sent him to the U.S. at the young age of 11, hoping he would have a better life here than in Cape Verde.

These kids aspire to U.S. citizenship, and America benefits when they have a chance to earn it.

The Judiciary Committee bill includes enhanced enforcement, earned legalization for those who are here, and a realistic guest worker program for the future. This is a real comprehensive plan for repairing our broken immigration system, and it is not a campaign slogan.

First, many of those who oppose real comprehensive reform have mischaracterized our arguments in recent days, and they have introduced a number of amendments which would undermine our reform efforts. So let me set the record straight.

First, let me set the record straight on amnesty. Our bill does not provide undocumented immigrants with amnesty. Amnesty, by definition, is an automatic pardon or free pass granted to a group of individuals without requiring any actions in return.

Mr. President, I understand I only have 5 minutes left, 4½ minutes. Am I correct?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 13 minutes left.

Mr. KENNEDY. Thirteen.

Well, in any event, let me go through very quickly the earned legalization requirements.

First, you must have entered and continuously resided in the U.S. before January 2004; must remain continuously employed; must pay \$2,000 in penalties; must pass security background checks; must pass a medical exam; must learn English; must learn U.S. history and government; must pay all back taxes; must get to the back of the line behind all applicants waiting for

green cards; and, after obtaining a green card, must wait another 5 years before becoming eligible to apply for naturalization.

There it is. Amnesty means pardon and forgiveness. This is what they have to do.

They have to continue to earn for 11 years. That is the fastest you can gain it, 11 years. And you have to earn it every day by not only paying your penalties but meeting the security checks, learning English and history, paying all of the taxes. That is what is included. That is why many of us who are supporters of it resent, quite frankly, the distortion and misrepresentation that has been made on the floor. I have listened to it. Here in this Chamber people have mischaracterized our legislation, and then they differ with it.

It is interesting because so many of our Republican friends have been able to understand the legislation. George Will understands this. Brit Hume, who is a commentator on FOX, certainly understands it. He spelled it out. Bill Kristol, who is a conservative spokesman, understands it. He actually supports it. The list goes on. They understand what this is about. That is why it is troublesome when we hear some of our colleagues on the other side repeatedly misstate what this is about. I can understand if you state correctly what it is about and you differ with it. I will differ with you, but I can understand and respect it. But what is happening is a complete distortion and misrepresentation as to what we have.

On law enforcement, this is the language from the legislation: The requirement to eliminate the visa backlog. If the backlog of applications for family-based and employer-based immigrant visas is not eliminated within the 6 years following the date of enactment, as predicted under the formula set out in title V, the amendments made by the title, the Secretary shall hold in abeyance an application—that means you go to the end of the line—submitted by an alien granted conditional nonimmigrant work authorization.

Those are the two aspects of it: the one that sets out the requirements of what an individual is going to have to do in 11 years and this provision in the legislation that says they will go effectively to the back of the line. That is how we deal with the 11 million individuals who are here. I have listened a little bit to the arguments against this provision, but what we have not heard is what the other side is for.

You are against our provision. What are you for? Are you for deportation? Where is your \$240 billion—that is the best estimate—to move these individuals out? Who are they? They are the parents of American citizens, in many instances, disrupting families, disrupting relationships that have been going on for years. It would take the buses to go from San Diego to Anchorage, AK, bumper to bumper, if we were to deport 11 million people at \$240 billion.

They are all so eloquent, those who differ with us. But you never hear what they are for. They just happen to be against this provision which is an essential part of this whole effort. That is something which is important.

I see my friend and colleague here who wants to address the issue. I have other comments, but I will come back a little later in the afternoon and address them. I hope we can move along. I know there are a number of amendments that have been examined and are acceptable. I hope we move those along. I hope we move to a point where we can have some votes and make a determination on the judgment of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say about my colleague, the senior Senator from Massachusetts, that in the 44 years he has been here, he has been one of the Senate's—the Senate's, probably—leading spokespeople for a fair, sensible, value-based approach to immigration. I have been here for a couple of the fights on immigration we have had, having come to the Senate in 1985. But I have never seen somebody as careful and as deliberative and as thoughtful about how to balance the equities that are involved in this issue and, most importantly, somebody who never forgets what defines this country. It is not just immigrants who understand what Senator KENNEDY has been fighting for. It is those who really understand, such as the people Senator KENNEDY was talking about—Bill Kristol, George Will and others, conservatives who understand the values as well as the pragmatic issues which define this question of immigration. So I thank my colleague for his many years of leadership on this and for the experience which he brings to the debate.

Obviously, this debate matters enormously to our country. There is no doubt that Americans in every State in the Union and people around the world are watching what we do and how we do it. We have witnessed a remarkable demonstration of public protest and of civic participation in cities across America. In the Senate, in our communities, we are once again wrestling with difficult issues. These are not easy. Nobody is suggesting they are easy. But the question of immigration reform is an issue that goes to the heart of who we are as a people and that defines us as a nation. It is an issue that has historically divided us, revealing that sometimes humanity and courage are side by side with isolationism and fear and sometimes, sadly, even bigotry.

We may be divided today, as we try to figure out how we are going to go forward here, but I don't think there is any Senator who disagrees about our past and our heritage as a nation of immigrants, of people who have come to the United States in search of a better

life and freedom, of opportunity, and who want to have their voices heard. We also all agree that our current immigration system is broken. We agree that more resources have to be sent to the border in order to strengthen enforcement, to add more Border Patrol agents, and invest in new technologies.

I spent a number of years as a prosecutor. I didn't have to deal directly with immigration at the county level, but I certainly saw what a lack of resources did, in a prosecutor's office, to our ability to pick the crimes that we were prosecuting, our ability to prioritize certain kinds of crimes to move through the judicial system. The fact is, had it not been back in those days for an extraordinary infusion of Federal dollars through the Law Enforcement Assistance Administration, we never could have done half the things we did—like priority prosecution so you could take any felony from arrest to conviction in 90 days, Federal money made that difference; where we could have a rape counseling unit, one of the first in the country, Federal money made that difference; where we could have a victim witness assistance program so people would be helped through the criminal justice system, Federal money made that difference.

Here we are with less border guards on our 2,000-mile border than we have police officers in the City of New York. They don't have the resources. So as we stand here and debate this issue in the Senate, we need to be honest about our own responsibility for the situation we find ourselves in today. This is not something a Republican President did or a Democratic President did or a Republican Congress/Democratic Congress. It is something the United States has allowed to take shape over the last 30, 40, 50 years. It is not new. And you can't come in and sort of bring down a wall and say: OK, we are going to do enforcement and forget about the magnet that already exists, the inequities that have already been put in place because a whole bunch of people knew the borders were porous, because a whole bunch of people knew employers would hire them if they came here illegally which, incidentally, is against the law. But where are the prosecutors prosecuting that in the past? It hasn't been happening.

So our system is broken. What we need to do, consistent with our values and history as a country that has welcomed and honored immigrants, is to deal with the current situation in a realistic, open, fairminded way that tries to find the common ground between us.

I believe we can do that, but it is a problem we have to think about from both sides. I have spent some time in the last months, knowing this debate was going to take place, meeting with members of the Congressional Hispanic Caucus and trying to understand how people are thinking about this. How does somebody who has come into the country, who has been here for 15 years, 20 years, who has raised their

kids, whose kids have friends, who has gone to the local school, who is going to college now, how do they see this? How do we all see this?

We have 11 million, approximately, undocumented immigrants living and working in the United States. The Nation's employers want these people, evidently, because they are hiring them. It is against the law to hire them, but they are hiring them. How many Americans have gone down to a street corner and hired somebody or had somebody mow the lawn or somebody come over to the house to clean out the garage or do something and paid them cash?

The fact is, there are low-skilled, low-wage jobs that a whole bunch of Americans don't want to necessarily fill. I know during the 1990s, we reached an unemployment level of about 2 percent plus in Massachusetts. I believe it was around 4 percent as a nation, effectively full employment in the United States. Still there were a whole bunch of low-wage jobs people didn't want to do. There simply aren't enough visas for the people who want to come in to do those jobs and for the jobs that people want to have done to fill. And with the lure of higher paying jobs than in their home countries, workers come in to fill them. That is a centuries-old reality, not just here but in countries all around the world.

The system that employers are supposed to use to verify the legal status of employees is fundamentally weak. It is subject to exploitation by everybody. The workers can exploit it by getting false documents, and the employers can exploit it by ignoring documents that they know are false or by avoiding the requirement to comply with the law.

Our challenge here in the Senate is not to demagog this issue. It is not to say: Boy, if we just enforced the border, that is the whole deal.

It is not the whole deal. Everybody who has thought about this issue in any serious way knows that is not the whole deal. If we are going to deal with 11 million undocumented workers who are currently living in the shadows in America and be fair to our history and our values, we have to create a comprehensive reform program. Some people on the other side of the aisle suggest all we have to do is shut down the border and that is it, just shut the border. They believe the approximately 11 million undocumented immigrants currently living and working in America are going to return home. Are they serious? People who have a job, paid their dues, paid their taxes, didn't get in trouble, kids are in high school about to graduate or in college, they are going to pack up and go home? Back to what?

For those who won't leave voluntarily, these people believe we are going to have all our police officers and everybody go out and find them and round them up and deport them. How would you do that? How do you find 11

million people who are living in the shadows? How are you going to compel them to leave? What are you going to say to their children and grandchildren and the businesses and the communities that depend on them? What is the image going to be around the world? You can see the cartoons as the United States is busy rounding up these folks, herding them into buses, sending them back.

George Will summed this up pretty well in his column last week. He wrote:

Of the nation's illegal immigrants—estimated to be at least 11 million, a cohort larger than the combined populations of 12 States—60 percent have been here at least five years. Most have roots in their communities. Their children born here are U.S. citizens.

Those children, because they were born in the United States, are U.S. citizens; that is what our Constitution says. So are we going to separate parents and grandparents from American citizen children?

We are not going to take the draconian police measures necessary to deport 11 million people. They would fill 200,000 buses in a caravan stretching bumper-to-bumper from San Diego to Alaska—where, by the way, 26,000 Latinos live. And there are no plausible incentives to get 11 million to board the buses.

That is what George Will said.

Mr. President, offering up border enforcement as a panacea is a great political talking point. You can go out, and there are places where people will stomp their feet and clap their hands and say: Isn't that true? But it is not a real strategy, it is not a way to fix our broken immigration system.

I am also troubled by the anti-immigrant statements made during this debate, which expose a limited understanding of the role of immigrants and immigrant workers and the role that they play in the fabric of our economy and our society and our communities. Most troubling is, I think, that these statements are statements that are made to try to divide people. For example, arguing against the need for immigrant labor, Congressman DANA ROHRBACHER said:

Let the prisoners pick the fruits. We can do it without bringing in millions of foreigners.

According to Congressman BOB BEAUPREZ:

If we continue down this path that the Senate has established, . . . we will have created the biggest magnet ever. It would be like a dinner bell, "come one, come all."

Congressman STEVE KING says that anyone who supports a guest worker proposal should be "branded with a scarlet letter A," for "amnesty."

Congressman TOM TANCREDO wants to turn America into a gated community, warning people that among the people crossing our borders are "people coming to kill me and you and your children." He laments the "cult of multiculturalism" and worries that America is becoming a "Tower of Babel."

I would like TOM TANCREDO to go over to Iraq, where there are 70,000

legal immigrants serving this country, and ask them how they feel about a "Tower of Babel" and about the values of this country.

These statements do not reflect the contribution that immigrants have made to our country over centuries. They don't reflect the contributions that they make today. Most of us in this country—almost all of us in this country descend from immigrants. That is who we are. I am privileged to be married to an immigrant, who didn't become an American citizen until, I think, she was 24 or 25 years old.

I know how loyal people can become to a country that welcomes them and gives them the ability to fulfill the American dream. The vast majority of the American people understand the value that immigrants provide to our country. They understand that enforcement alone is not going to work, and they have taken to the streets to make their voices heard. Half a million people demonstrated in Los Angeles to protest an enforcement-only approach to immigration reform, far surpassing the number of people who protested the Vietnam war. More than 10,000 people participated in the "Day Without Latinos" rally in Milwaukee, WI, leaving their jobs and marching through downtown. Similar walkouts occurred in other parts of the country with students and laborers protesting enforcement-only immigration proposals such as the House bill. Churches and humanitarian organizations have become actively involved in the fight for comprehensive immigration reform. In fact, yesterday I spoke with Hispanic evangelical leaders from across the country about their concerns regarding the immigration crisis in our country. Cardinal Roger Mahoney, the archbishop of Los Angeles, has spearheaded an effort by the Roman Catholic Church to defy the House bill that criminalizes immigrants and the organizations that help those immigrants.

You heard my colleague, Senator KENNEDY, talk about what would happen if somebody reaches out to the poor, the needy, the sick, which is a fundamental tenet of any religion. And this bill in the House wants to criminalize that.

The people are making their voices heard. They understand what is at stake in this debate. They understand the role that immigrants play in this country, and they are fighting to ensure that we end up with a fair humanitarian, realistic solution. Now, while some people look at enforcement only—incidentally, let me say that during the election of 2004, I spoke up as forcefully as I could in New Mexico, Arizona, Colorado, and lots of places where there are lots of immigrants. I consistently said that you have to have comprehensive reform. I didn't just talk about earned legalization or about guest workers; I talked about the need to crack down on businesses that are illegally hiring people. We need to have

a simple and honest way for people to know who is applying for work.

This is common sense, particularly in a post-9/11 world, where it is important for American security to know who is coming into our country. So we need to do that. You cannot look at enforcement-only but rather the comprehensive bill like that which is being considered on the floor of the Senate. I am encouraged by what the Judiciary Committee, in a bipartisan bill, did, which is now a full substitute to Senator FRIST's bill, and that is the bill offered by Senator SPECTER.

As Senator KENNEDY and others have said, the Specter amendment has the four cornerstones of real immigration reform. You cannot do it without all four. No. 1, you have to have a strengthening of our border enforcement. That means using all of the latest technology to build a virtual fence—use the sensors that we have available in the military, use the cameras and technology, and use more human presence to add to the Border Patrol that is currently there; make sure enough vehicles are there, which is an amendment I intend to offer if we get into the substantive part of the debate. It has been much neglected through the years by all in strengthening the border.

Second, regulate visas in order to meet the work flow needs. And you have to do it in a more effective way than we have in the past.

Third, you have to provide a path for legalization for people who have been here for a long period of time, played by the rules, raised their families, and have children who are American citizens. We need to find a way to do that so that it is not, as some of our colleagues on the other side of the aisle say, opening the door and making a fool of the law. I am not for doing that. The law has to mean something.

Indeed, in this bill, from 2004 forward, there is no eligibility for people to have earned legalization. It shuts the door after 2004. It brings down a wall but in a comprehensive way that has a starting point that says: OK, we acknowledge that for a long period of time we didn't have a realistic system, we were not able to stop people from coming in. What is the fairest way to deal with this problem, to send notice in the future that this is a new get-tough policy in the United States and a policy that will be backed up by adequate border security, by a realistic visa program that commands respect of people, and by a legitimate effort to bring people out of the shadows, which also commands the respect of people everywhere.

Finally, we need to help employers enforce our laws. You have to have a way for the employer not to be turned into a police officer but to easily, and with certainty, be able to determine whether the documents they are looking at are real and whether the person they are looking at, presenting the documents, is the person that it purports to be.

Mr. President, the Specter amendment is tough on border security. It is important because this debate has gone on as if there is a bill out there that is for border security—the Frist bill and the House bill—and this other bill that somehow is not. That is not accurate. The Specter amendment is tough on enforcement and border security. Almost every provision of the other bill—the Frist bill—is in there. And it is unfair to assume that it doesn't have strong enforcement provisions.

The Specter substitute doubles the size of the Border Patrol by adding 12,000 new agents over the next 5 years. It doubles interior enforcement by adding 5,000 investigators over the next 5 years. It adds new technology at the border to create the virtual fence that I talked about. It expands the exit and the entry system at all land and airports. It mandates a new land and water surveillance plan, and it increases the criminal penalties for violating our immigration laws.

That is a tough bill with tough enforcement. It also addresses the reason that undocumented workers come to this country. They come to this country looking for jobs, and the demand for labor in our country is one of the things that pulls them here. So workers cross the border because we don't have enough visas to be able to permit people to cross legally, so they come illegally. Guess what. They get a job when they get here. That is illegal.

One of the key elements to stopping the illegal flow of workers across the border is to increase the number of visas for people to come legally and also to have an adequate ability for the employer to have no excuse for not knowing the legality of the people who work with them. There should be a no-fault system here, where there is an automatic presumption of the employer's ability to enforce.

The temporary worker program that is created by the Specter substitute, in my judgment, will help to regularize the flow of immigrant workers in and out of this country. I understand some people fear allowing temporary workers into the United States. They think it will hurt American workers and depress their wages. Again, that is a phony "bogeyman." That is a red herring in this debate. Either people have not read the temporary worker program or they chose to allow themselves to be completely misled by it.

The temporary program has labor protections and it has market wage requirements. The worker has to receive at least the same wage as someone similarly situated or at the prevailing wage level for that job, whichever is greater. So there is a wage enforcement mechanism that will not allow that depression.

The workers will receive a 3-year visa, reviewable for 3 years, and have the ability to curb employer abuse by switching jobs. And in addition, after working 4 years, they can petition for a green card. So the temporary worker

program meets the labor needs of employers while at the same time remaining flexible enough to accommodate changes in the marketplace.

Equally important is reducing the backlog of people who are waiting for visas. Mr. President, 260,000 new family visas and 150,000 new employment visas will be added each year. Thirty percent of the employment visa pool will be reserved for essential workers. And perhaps most importantly, those currently waiting for visas will be processed before any of the current undocumented workers.

This is critical. When people talk about this somehow being an amnesty, they are completely ignoring the 10 steps you have to go through—the last of which is the most important of all—that you go to the end of the line. You don't somehow get a free pass card that automatically puts you in; you go to the end of the line.

So the numbers of documented people are already there ahead of those who are undocumented; and if you are coming in undocumented, you not only have to learn English, have a health exam, and have a security background check, and you not only have to be legitimately employed and all these things, but you also go to the end of the line. That is not an amnesty.

The Judiciary Committee bill also provides a realistic way to deal with the 11 million undocumented workers who are already here. Senator KENNEDY went through those 10 different steps. I will not repeat them now, except to emphasize the last point I made about the back of the line.

I think those are pretty onerous burdens. They are tough burdens. They require all back taxes to be paid—tough burdens. It is not forgive and forget. It is meet a standard. It is live up to a standard.

The final piece of the immigration reform puzzle is how do we create a workable employer verification system. We don't want to, but we need to, unfortunately, rely on employers to be part of the system. We don't want to turn them into immigration bureaucrats. We don't want to turn them into police officers, but it is inevitable if we are going to have a legitimate comprehensive system that when somebody presents credentials to an employer, the employer can't cheat, the employer can't look for a way around it.

The employer has to be part of this system of the values of America that say there are people waiting in line, there are people going through the visa system. We are spending money on the border. We need you to be part of this system. It is going to take an educational effort by chambers of commerce and small business associations and other efforts around the country so that there is an ethic in America that is not willing to cheat. And if that ethic was put in place, we would do more to stop illegal immigration than any other single item because people

won't be able to find the work. I personally think it is the single most important part, together with the Border Patrol component itself, of having a comprehensive immigration program.

Currently, however, employers don't have a reliable system for checking the validity of Social Security numbers, and we know how many Social Security numbers have been stolen. We have a problem for all Americans with the theft of Social Security numbers. So we need to deal with that problem even as we deal with this question of verification of employees.

The Specter substitute creates a system that will enable employers to quickly and accurately verify a potential employee's legal status. The last immigration reform we passed in 1986 was intended to address the root causes of illegal workers coming across to the United States, but it failed to draw all the illegal workers out of the shadows, and that really has helped lay the groundwork to people's cynicism and skepticism, which I understand, about today's system.

The reason we are in the crisis we are in today is because we have never really been comprehensive. That is the problem. I believe the Specter substitute amendment that the Judiciary Committee worked so hard to create and pass in a bipartisan fashion does not make the same mistake that was made in 1986.

There is one other aspect of the bill I would like to mention before yielding the floor. I have supported for many years the DREAM Act. The DREAM Act will enable young people who have spent most of their lives in the United States, who believe in our country and have stayed out of trouble, to have a chance to get a crack at higher education, which is essential. It gives incredibly bright and capable young people a real chance at success, and it gives our country well-educated, hard-working citizens. I think including the DREAM Act in comprehensive immigration reform makes sense, and I am pleased the Judiciary Committee, led by the efforts of Senator DURBIN, included it.

There are a number of amendments—I am not going to go into all of them now—but there are a number of amendments on Border Patrol, making sure the Border Patrol agents have sufficient tools, GPS, other items. Also, I want to eliminate the ability of the administration to have a completely unreviewable authority to make the full decision on an individual's life. The Secretary of Homeland Security, the Attorney General, and consular officials who currently have the sole and final authority really will have an undue impact on detention, deportation, citizenship determinations, and other issues. We need to somehow not have concentrated power in so few hands.

In the end, the Specter bill is a comprehensive bill. It has the chance of bipartisan support. I think it is a coura-

geous bill. I congratulate the Chair and the members of the committee who fought so hard to come up with something under difficult circumstances, and I hope we are going to be able to get a chance to fix that bill and amend that bill appropriately on the floor. I hope that will be the vehicle the Senate proudly embraces as a reflection of the values of our country and the proper amount of respect for the history we have traveled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I begin by expressing my appreciation to the Senator from Massachusetts for the kind things he has had to say about the so-called Specter bill, the committee bill. But we can't move forward on legislating with that bill until there is an opportunity for Members of the Senate to offer amendments. We do not have a system where a Senator, even ARLEN SPECTER, offers a bill and it becomes the will of the Senate, it is passed by the Senate without having Senators having an opportunity to offer amendments.

It appears now late on Tuesday afternoon, almost 4 o'clock, that there is a calculated effort by some not to permit this bill to go forward.

We started on this bill on Wednesday afternoon, but we couldn't vote on Thursday until we had sort of a bed check vote. That means one which was going to be unanimous but not a meaningful incursion into the tough issues to try to start to work the will of the Senate. We had a vote at 3 o'clock on Thursday afternoon, but all day Thursday, most of the day, was consumed by debate and not very pointed debate, fairly generalized debate which didn't advance the legislative process very much at all.

Then on Friday, the Senate was in session, but nobody was around. We couldn't offer amendments because the other side of the aisle, the Democrats, wouldn't permit us to.

Then yesterday we structured a couple of amendments on which there was really no objection and voted on them pretty much pro forma.

We are searching for a way to bring up amendments to vote on today and couldn't do that. Then this morning, as the record will show, the distinguished ranking member of the Judiciary Committee offered a unanimous consent request for speeches. When we discussed the matter, we were told that there wouldn't be any opportunity for votes until the party caucuses were finished.

So we twiddled our thumbs, bided our time until 2:30, and then the majority leader called a meeting of Senate Republican Senators to try to find a compromise among disagreements within the Republican caucus. He was waiting for a call back. Finally, we had word that the minority leader had a news conference, and this is what happened, in part, at the news conference. I have a transcript.

Question: Senator SPECTER was very frustrated this morning at a press conference, saying that work is not really being done because the Democrats are not letting there be votes on amendments, and he can't get agreement on votes on some of the major amendments.

Could you tell us why it is that your strategy suggests—

And then an interruption by Senator REID.

Maybe ARLEN SPECTER has been so good at what he did in committee that we shouldn't be worried about a lot of amendments.

It would be nice if ARLEN SPECTER was so good, we wouldn't have to worry about a lot of amendments. But let me confess, admit to the totality of the circumstance, that I am not that good, or perhaps I am that good, but my colleagues don't think I am that good and they want to offer amendments. Other Senators want to offer amendments to my bill, so that when Senator REID says maybe he is so good we shouldn't be worried about a lot of amendments, people want to offer amendments. Two are on the floor now, Senator KYL and Senator CORNYN.

Then there was a question by one of the reporters not identified:

But if the shoe was on the other foot, wouldn't you be asking for your day on the floor?

Senator REID:

The shoe's not on the other foot.

That is a pretty conclusive answer. A little while later in the press conference:

Senator REID, Republicans are saying that you're not allowing amendments to be voted on the floor. Is there a reason for that?

Senator REID:

Well, first of all, at my caucus I indicated to those people there who are interested in understanding where the amendments are, want to offer amendments, to talk to Senator LEAHY's staff, Senator KENNEDY's staff, Senator DURBIN's staff. They're putting together all those amendments.

And we're happy to take a look at amendments that don't damage the integrity of the bill. But if it's going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

I have been around here a while, but I have a hard time understanding that last sentence. I have a hard time understanding:

And we're happy to take a look at amendments that don't damage the integrity of the bill.

The integrity of the bill under Senate procedures is established by votes by Members on amendments. That is how you establish the integrity of the bill.

Then Senator REID goes on:

But if it's going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

I don't believe there is the power or authority in any Senator or group of Senators to validate, conclude that what other Senators want to offer by way of amendment denigrates the bill and is the basis for not having votes.

We have pending 100 amendments. It is an exact number. It just happens to

be 100 precisely. There are 6 amendments pending at the present time: Senator FRIST on the study on border deaths; Senator KYL on nonimmigrant work authorization; Senator CORNYN on a second-degree amendment to Senator KYL's amendment on nonimmigrant work authorization; Senator ISAKSON on no guest worker program without border security; Senator MIKULSKI on extension of returning worker exemption; Senator DORGAN on Canada travel without passport.

There had been a suggestion that we would vote on Senator KYL's amendment side by side with an amendment by the Democrats. Although I believe such an amendment has been produced by the Democrats, they are unwilling to permit us to vote on it side by side.

Mr. KYL. Mr. President, will the Senator yield for the purpose of a unanimous consent request?

Mr. SPECTER. Mr. President, I will on the condition that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, to verify what the chairman of the Judiciary Committee has just said, I ask unanimous consent that we proceed to the regular order for a vote on amendment No. 3206, which is the amendment I offered last Friday to which Senator SPECTER just referred. There is a second-degree amendment that was offered by Senator CORNYN, and there is the text of an amendment that I have possession of that was, I believe, produced by Senator KENNEDY that would be the Democrat side-by-side amendment, and we could vote on that amendment after the vote on the second-degree amendment and my amendment No. 3206. So we can determine right now whether the Democratic leadership is preventing us from having votes on amendments, such as the amendment that I filed last Friday.

I ask unanimous consent that we proceed to the regular order and that my amendment No. 3206 then be pending and proceed to a vote on that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, will the chairman of the Judiciary Committee yield for the purpose of my propounding another unanimous consent request?

Mr. SPECTER. I so yield on the stipulation I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, this unanimous consent request is simply to send to the desk amendment No. 3246, an amendment that Senator CORNYN and I would like to send to the desk.

Mr. REID. What is the question?

Mr. KYL. To lay aside the current business and send to the desk amendment No. 3246.

Mr. REID. I object.

Mr. KYL. There is objection heard to that?

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I renew the unanimous consent request by the Senator from Arizona, Mr. KYL, for a vote on his pending amendment at 4:30 p.m.

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I renew the unanimous consent request by the Senator from Arizona for a vote on his amendment at 5 o'clock.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. I renew the request of the Senator from Arizona for a vote on his amendment at midnight.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. We are witnessing here a new procedure in the Senate that I am not familiar with, and that is legislating by press conference.

What we have before the Senate now is a rare moment of bipartisanship. We have a bill that came from the Judiciary Committee in a bipartisan fashion. It is strong bipartisan legislation that strengthens our national security. We need to move forward.

We have reviewed the list of amendments filed by both sides. There are several good-faith amendments that are intended to improve the bill without damaging the integrity of the committee product or which are not designed to score political points. We are ready to schedule votes on these amendments at the right time.

However, it is important that we take advantage of the bipartisan momentum behind this bill and keep moving forward. We must not allow this strong bipartisan legislation to be torpedoed for reasons that probably are very partisan. We on this side are united behind a comprehensive immigration reform bill, a bill that is bipartisan, and we are ready for prompt action on this bill. So I object to voting at midnight.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed with a colloquy with the distinguished Democratic leader, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I very much appreciate the high compliment by the Senator from Nevada to this superb bipartisan bill crafted by Senator LEAHY and myself, and I wish to see the bill passed. I have worked very

hard on it, including a marathon marathon last Monday.

May I ask the Senator from Nevada when is the right time to consider amendments?

Mr. REID. As I said, Mr. President, staffs are looking at it. It is my understanding there are 70 to 100 amendments that have been filed; is that right?

Mr. SPECTER. One hundred.

Mr. REID. We are in the process of looking at those. As you have to do on any bill, you have to decide, when you have a bill that is as large as this, what amendments are going to be decided to be voted upon. It can't be decided on one side; it has to be decided by both sides. The only way we are going to get votes on amendments on this most important bill is to have both sides agree on them, and we are in the process of doing that right now.

I indicated—as the distinguished Senator from Pennsylvania indicated—in my caucus today, I said that staff would be working just as I outlined. It can't be done in 5 minutes or 10 minutes; it will take a little bit of time. But this is an important bill. It deals with our national security, it deals with a guest worker program, and it deals with a path to legalization for 11 million or so people.

I will say to my friend, the distinguished chairman of the Judiciary Committee, that I think the work the Judiciary Committee did on this piece of legislation is extraordinary. It is good. Frankly, I was very pleasantly surprised at the complexity of the bill and how good it was. I like the bill as it is. That is my personal feeling. So I am willing, as I have indicated, to work with Senator LEAHY and his staff, Senator KENNEDY and his staff, Senator DURBIN and his staff, and we will look at these amendments and see if we can agree on a bipartisan basis what amendments should be decided here—or voted upon, I should say.

Mr. KYL. Mr. President, will the distinguished chairman of the Judiciary Committee yield for a question, please?

Mr. SPECTER. I do, on the condition that I don't lose my right to the floor.

Mr. KYL. Mr. President, I think I misspoke a while ago and talked about the amendment that I introduced last Friday—actually, it was last Thursday—that Senator CORNYN and I, and I believe Senator GEORGE ALLEN is a cosponsor—introduced, amendment No. 3206.

My question to the chairman is this: In the bill, there is a variety of benefits that are provided to illegal immigrants who are in the United States today in that they are allowed to gain a legal status which can lead to legal permanent residency, sometimes called a green card, from which one can apply for citizenship. There are some conditions attached to that. Is it not correct that the amendment Senator CORNYN and I offered simply adds to those requirements, or those benefits, the additional requirement that the individual

seeking the benefit not have been convicted of a felony or three misdemeanors, or have violated a judge's order of departure from the United States?

Mr. SPECTER. Mr. President, the statement made by the Senator from Arizona is correct.

Mr. KYL. Mr. President, to the chairman of the Judiciary Committee, in your view, is that an amendment that is germane and relevant and very specific in that it would add one more requirement to the conditions that are allowed—with the benefits—that are allowed under the bill, and would it be your view that in no way would that be a nongermane or nonrelevant kind of amendment?

Mr. SPECTER. Mr. President, I would respond in the affirmative. I would add that this isn't an amendment which, in Senator REID's words, denigrates this bipartisan bill. I would say it enhances the bill.

Mr. KYL. Mr. President, if I could ask another question. As you know, there have been some competing bills filed, perhaps the two most comprehensive being the bill that was worked on in the committee and that came out of the committee in an amended form, and a bill Senator CORNYN and I introduced which, when introduced, was far more comprehensive, but some of the provisions of our bill were added to the bill that came out of the Judiciary Committee. Would it be your view it would be entirely appropriate for the Members of the Senate to have an opportunity to vote on the bill Senator CORNYN and I introduced and, therefore, that we ought to be given an opportunity to lay down our bill, an opportunity which would be denied if we continue this exercise of having objections to unanimous consent requests to lay down amendments?

Mr. SPECTER. Mr. President, the Senator from Arizona asks something that is preeminently correct, and that is the way the Senate functions. Senators have a right to offer amendments, and the so-called Kyl-Cornyn bill is the product of very extensive thinking, analysis, and preparation. A good part of it was incorporated into the chairman's mark. And certainly Senator KYL and Senator CORNYN are within their rights in asking for a vote on it.

Mr. KYL. Mr. President, if I could ask a final question of the chairman of the Judiciary Committee. Notwithstanding the fact that through your good offices a bill was shepherded through the committee, a bill which you support and are prepared to vote on and vote for, it would be your view that a denial of our opportunity to offer an amendment as an alternative would be improper and inappropriate and an obstructionist tactic to prevent the Senate from working its will in having an opportunity to consider differing points of view on this important and complex subject?

Mr. SPECTER. Mr. President, yes.

Mr. CORNYN. Mr. President, would the Senator yield for a question?

Mr. SPECTER. I would, again, on the condition that I don't lose my right to the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection.

Mr. CORNYN. Mr. President, I ask the distinguished chairman of the Judiciary Committee if the offering of amendments during the course of a bill's consideration on the floor is the usual procedure to determine where consensus lies and in determining what the will of the Senate ultimately is, and whether the refusal of the Democrats to allow votes on these amendments is obstructing the work of the Senate?

Mr. SPECTER. Mr. President, the answer is decisively, obviously, yes.

Mr. CORNYN. And, Mr. President, if the Senator would yield for another question.

Mr. SPECTER. I do, on the same condition.

Mr. CORNYN. We are running up against a Friday deadline with a 2-week recess of the Senate long standing, and if we are unsuccessful in allowing any votes on amendments which are necessary to move this bill forward, where do you believe the blame would lie for the Senate's inability to successfully finish its work this week on this comprehensive border security and immigration reform bill?

Mr. SPECTER. Mr. President, I would respond by saying the blame would lie with those who have lodged objections to very reasonable unanimous consent requests, several of which we have heard here this afternoon.

Mr. CORNYN. Mr. President, if the Senator would yield for a final question.

Mr. SPECTER. I do, on the same condition.

Mr. CORNYN. Isn't it true that this bill for the first time manifests a tremendous Federal commitment to live up to the Federal Government's responsibility to provide additional Border Patrol agents and additional technology along the border to enable the United States of America to finally secure its borders and potentially prevent the incursion of criminals, even terrorists, and that each day that goes by, because of our inability to complete our business here on the floor, potentially exposes the country to further jeopardy in that regard?

Mr. SPECTER. Mr. President, my answer to that question is in the affirmative.

Mr. President, proceeding with the discussion with the distinguished Senator from Nevada, the Democratic leader, when he says there would be votes at the right time, the Kyl-Cornyn amendment was filed last Thursday. I agree with him that it takes time to analyze amendments, but hasn't there been sufficient time for the Kyl-Cornyn amendment to be analyzed and to enable the Democrats on the opposition

or a side-by-side amendment, or whatever course they choose, to come forward and let us proceed?

Mr. REID. Mr. President, responding to my friend, it seems quite unusual that these crocodile tears are being poured out now because amendments aren't being considered. We have waited for years to have an amendment considered on raising the minimum wage. We have waited months and months to have a debate on amendments on stem cell research. I have trouble accepting the plaintive cries from the other side of the aisle in not having their amendments heard. With this Republican-dominated Senate, we have been unable to offer amendments, only two of which I have mentioned. We have tried and tried and tried.

This is the Senate, and we have 100 amendments pending. And the mere fact that the distinguished junior Senator from Arizona offers an amendment he believes strongly in does not mean it takes precedence over the other 100 amendments that have been offered. This is a procedure that has been followed for many years.

I would further say I simply don't accept the explanation of the amendment the distinguished junior Senator from Arizona has offered on this bill. First, the Kyl amendment, as amended by Senator CORNYN, would make classes—various individuals who would become part of a class of undocumented immigrants—ineligible for conditional non-immigrant status and to earn their legalization; for example, immigrants who came through the visa program who overstayed their visas. Is that what we want to do? I don't want to do it: Make immigrants subject to expedited removal at the point of arrival. And did you know one of the definitions of aggravated felon that is in this legislation is somebody who has twice overstayed their visa?

So I like the bill we have before the Senate. I don't accept this amendment—the Kyl amendment—as one that improves the bill. It hurts the bill. It hurts the very foundation and what I believe is the spirit of this legislation.

I do not accept the fact that this good legislation which is now before the Senate will be improved by the Kyl amendment as modified by the amendment of the distinguished Presiding Officer. I believe the bill before us is a good bill and we should stick with it. That is what I want to do.

Mr. SPECTER. Mr. President, the response—or the words spoken; it was not a response—the words spoken by the distinguished Democratic leader are interesting, but they do not answer the question. The question was, have you had enough time to take a position on the Kyl amendment? And your analysis—

Mr. REID. The answer to the distinguished Senator is yes, I have had time.

Mr. SPECTER. Wait a minute. I am speaking here, and I will not interrupt you, Senator REID.

Mr. REID. I apologize very much.

Mr. SPECTER. Your analysis states that you had enough time to analyze it, review it, and you are opposed to it. When you mention stem cells, you are right. We should have voted on stem cells some time ago. I think I have complained more than you have about that. And you are right about the minimum wage. It ought to be raised. And I think you voted for it every time, but no more often than I have.

But we are now faced with the immigration bill. When you say that the Kyl amendment will not improve the immigration bill, my question to you is, isn't the way you express that by voting against it, by leading the charge against it, as opposed to preventing a vote on it? Isn't that the way the Senate functions?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, with all due respect to the distinguished chairman of the Judiciary Committee, he has been in this body a lot longer than I have, but I still understand the rules of the Senate. At this stage, as a Senator from the State of Nevada, I am not ready to move forward on the Kyl amendment. I do not have to explain in any more detail than I have why I do not want to move forward on it. I do not agree with the amendment. I don't think it is going to benefit this legislation pending before the Senate. I am going to do what I can to prevent a vote on it. I can't be more direct than that to the distinguished chairman of the Judiciary Committee.

Mr. LEAHY. Will the Senator yield?

Mr. SPECTER. In a moment I will, to Senator LEAHY.

When the Senator from Nevada says he doesn't have to explain, he is wrong. He thinks he does have to explain because this is a Senate proceeding by press conference. The Senator from Nevada accurately characterized some of the legislative process on this bill as legislation by press conference. Of course that has never happened before. I mean, it would just be antithetical to the workings of the Senate.

It is hard to walk down that corridor without holding a press conference involuntarily. You either hold a press conference or you are rude.

I can't do more by way of gesturing without drawing an objection from Senator BYRD. I once acknowledged the presence of the Penn State national champions in the gallery, and it was found by the rules that I was out of line.

But we do this all the time, and sometimes by design. A microphone is set up there frequently, and we go there voluntarily, and we utilize the ink and electronic equipment of the media. This little discussion here—more accurately called a charade—is for the media because we want to put some pressure on the Democrats to let us vote.

Senator REID has come out here to defend his position because he thinks

he has to, because if he didn't think he had to, he wouldn't be here. He is too parsimonious with his time, which is very valuable. I daresay he has a long list of calls to return and a long list of calls to make and a lot of business to transact, and he came out to the floor because he thought he needed to state his position that there is a battle and that he is defending himself against the charge that the Democrats are stalling and holding up this bill.

It is late now. It is 4:20 on Tuesday afternoon. We only have—let's see—we only have Wednesday, Thursday, Friday, Saturday, and Sunday. We only have 5 days in this week to finish this bill.

I yield to the Senator from Vermont with the stipulation that I don't lose my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized.

Mr. LEAHY. As the Senator from Pennsylvania knows better than anyone here, we can accomplish a great deal when we are able to work together. He and I and key members of the Republican Party and the Democratic Party worked very closely in the Judiciary Committee to report a bipartisan piece of legislation to the full Senate.

We reported a bipartisan bill, and I would like to vote on that. Here on the floor, we have voted on several amendments. We voted on the Frist amendment, the Bingaman amendment, the Alexander amendment. A Mikulski amendment is pending, which I believe could pass. We hope the other side will consent to take up Senator NELSON's amendment. Senator BROWNBACK and Senator LIEBERMAN have an amendment on detention and asylum. There is a Collins amendment, a Republican amendment on athletes; a Bond amendment; and another Republican amendment on natural science graduate students. Each one could be offered and voted on. There are a number of others we are working on.

I made a suggestion this morning to ask unanimous consent that Senators be allowed to talk about amendments they planned to offer. A Democratic Senator might speak for 15 minutes and then alternate with the Republican side, and so on, back and forth. The junior Senator from Arizona objected to that proposal. He has an absolute right, of course, to object.

I hoped that if Senators could come here and talk about amendments they hoped to offer, we might be able to work out some amendments in the usual way.

Up until the last few years, when there has been single-party control in Washington, we were always able to share one side's amendments with the other, to see if there were areas of compromise. We would work out a schedule on complicated bills like this one. Certainly, this is the practice followed by the distinguished Senator from Pennsylvania in committee. Because he ran

it in such a fair way, and because Senators on both sides of the aisle were able to discuss their amendments, the distinguished Senator from Pennsylvania and the full committee were able to report a bipartisan bill. Unfortunately, we seem to have lost the ability to do that here.

If we could go back to the traditional manner of doing things, the better way of doing things, practices similar to those followed by the distinguished senior Senator from Pennsylvania, we could get somewhere.

As I said, we have already adopted a number of amendments. This is the practice I was suggesting when I received an objection this morning. I was hoping to set up a series of votes.

I am not suggesting that the Senator from Arizona was not within his rights. Of course, he was within his rights to object. But once he did, we lost the ability to set up that procedure which, I believe, in my own experience, would have let some amendments go through.

The distinguished Senator from Pennsylvania has been more than generous. The Senator from Pennsylvania has the floor. I yield to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. KYL. Will the Senator from Pennsylvania yield for a question to me without giving up his right to the floor?

Mr. SPECTER. I do. I will have a comment to make about what Senator LEAHY has had to say, but first I will yield to the Senator from Arizona on the condition that I do not lose my right to the floor.

Mr. KYL. I appreciate that. Because the Senator from Vermont referred to me and referred to my objection earlier today, let me ask the Senator, the chairman of the committee, is it not correct that my unanimous consent request this morning, in response to his, was that the two Senators from Florida be allowed to address the achievement of their Gators basketball team while the chairman of the Judiciary Committee, the ranking member of the Judiciary Committee, and any other members of leadership who needed to be a part of it, begin discussing exactly what the Senator from Vermont just now was saying needed to be discussed—namely, the order of speakers and the order of amendments that would be considered? And is it not further true that the Democratic side said that could be done only after the two lunches that would conclude sometime around 2:15 this afternoon? So it was not my objection to the speaking order request of the Senator from Vermont that precluded him or anyone else from discussing with you or anyone else the proper order of speaking or offering of amendments or voting on amendments; is that not correct?

Mr. SPECTER. Mr. President, the Senator from Arizona accurately states the situation.

Mr. KYL. Mr. President, may I ask another question of the chairman of the committee?

Mr. SPECTER. Under the same condition.

Mr. KYL. Given the fact that the distinguished minority leader has, I am sure unintentionally, but nonetheless mischaracterized my amendment, No. 3246, wouldn't it be a better process to understand the nature of the amendments to discuss them and to debate them under the regular order and then have a vote up or down rather than through the process we are undertaking right now, which is at best a very indirect approach to discussion and in any event doesn't lead to a vote up or down on the amendments?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct. That is the way the Senate functions under our rules.

Mr. KYL. Finally, one final question, Mr. President, to the chairman of the Judiciary Committee. Is it not true that one of the critical elements of the legislation we are considering right now has yet to be added to the bill because the jurisdiction was felt to be in the Finance Committee and that the amendment, which would become a separate title of the bill dealing with employee eligibility verification, has yet to be offered as an amendment and clearly will need to be offered as an amendment, debated, considered, and hopefully approved before any legislation that purports to be comprehensive immigration reform could be voted on and passed by this body?

Mr. SPECTER. Mr. President, again, the Senator from Arizona accurately states the situation.

Mr. KYL. I thank the Senator.

Mr. LEAHY. Mr. President, will the Senator from Pennsylvania yield for another question?

Mr. SPECTER. I do under the same condition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, let's be factual here. The suggestion was made by the Senator from Vermont that we have an order of speakers on both sides. These would be Senators who have amendments that they want to offer. They would discuss them on the floor with the idea that perhaps a bipartisan group could meet after the caucus meetings and talk about how we might sequence the amendments. I would note, however, for the Senators here, the meeting after the caucus was a closed-door meeting to which only Republicans were invited.

It is somewhat difficult to schedule Republican or Democratic amendments in such a meeting. This one-sided meeting was completely different than the business meetings the Senator from Pennsylvania held in the Judiciary Committee, which were successful in getting a bill to the floor.

I urge the Republican and Democratic leaders to look at the model followed by the Senator from Pennsylvania in committee, which reported a bill to the floor.

Mr. SPECTER. Mr. President, the distinguished Senator from Vermont is

correct. We did have a closed-door meeting with only Republican Senators present. I know they have a superior procedure among the Democrats and never have a closed meeting where only Democratic Senators are present. I know there is an operational rule where at least one Republican Senator has to be present whenever the Democrats meet.

That is supposed to be a laugh line.

Of course we meet with only Republicans. When the distinguished Senator from Vermont, the distinguished ranking member, was commenting earlier about missing the St. Patrick's Day recess, I seldom disagree with him, but I have to say by way of addendum that he forgot to mention that we missed the August recess preparing for the confirmation of Chief Justice Roberts. He didn't mention that we missed the December recess preparing for the confirmation hearing of Justice Alito. He didn't mention that we missed the January recess because of the Judiciary Committee hearing on Justice Alito. While our colleagues took a little time off in August to meet with constituents and work with perhaps a little play, they had December off, they had January off—not the Judiciary Committee. We were working. So there was not anything unusual about the St. Patrick's Day recess to find the Judiciary Committee at work. The staff worked very late hours. Then we scheduled a markup on the day before the recess ended, when the custom is to come back very late on Monday.

The Senator from Vermont had to leave his cherished farm to come to Washington Sunday night to be here early Monday morning for our session.

We were given an impossible job to finish the bill on Monday. We surprised a lot of people. We did it.

Then there was a little consternation about what to do next. The committee bill is on the floor, and it is a good bill, but it is not a perfect bill. Even if it were a perfect bill, it would still be subject to amendment, and ultimately we will get to it.

Mr. LEAHY. Mr. President, will the Senator yield without his losing the floor?

Mr. SPECTER. Mr. President, consistent with not losing the floor, when are we going to vote on these amendments?

Mr. LEAHY. Mr. President, of course the Senator from Pennsylvania and the Senator from Vermont were both here, missing all those recesses. As much as I have enjoyed the company of my friend for over a quarter of a century, I did not enjoy it so much that I wanted to miss those recesses. There are several amendments that we could vote on in the next couple of hours, as far as I am concerned. I would be happy to do that.

Mr. SPECTER. Starting at 6:30?

Mr. LEAHY. No, starting right now. We have one pending. I mentioned that several Senators, including a majority of Senators from the Republican side of

the aisle, have amendments that we could be voting on.

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to a vote on the Kyl amendment at 4:40.

Mr. DURBIN. Mr. President, I object. Will the chairman yield for a question without losing the floor?

Mr. SPECTER. On the same condition.

Mr. DURBIN. Let me commend the chairman of the Judiciary Committee. It is the hardest working committee on Capitol Hill. I am glad I am on it. I look at others and they seem to have a lot of time off and we don't. I am a member of that committee. I respect the chairman for all we have done and tried to do in a short period of time.

Let me say to the chairman that I am troubled by one of his comments during the course of this conversation. That was the comment that what Senator KYL seeks to do would improve the bill. I would suggest to the chairman that a careful review of the Kyl amendment will find that it defeats the purpose of a major portion of this bill.

If that is the intent—to strip from this bill a path to legalization—then I think it is a much different bill than the one which we approved 12 to 6 out of our committee, a bill which the chairman supported and which I supported on a bipartisan basis, and which Senator KYL of Arizona opposed.

Let me be specific. The Kyl-Cornyn amendment which they are seeking to bring to the floor eliminates the path to legalization for potentially millions of undocumented immigrants who have committed no crime. It eliminates it from this bill. It creates a condition for qualification to be eligible for that path that would be, frankly, impossible for many to meet. Let me tell you what I mean.

I ask the chairman if he would still believe this improves the bill. Proponents of the Kyl-Cornyn amendment claim that the Judiciary Committee bill would allow criminals to become permanent residents. I think the chairman knows, as most people do, that the bill expressly lays out in specific words those crimes which would disqualify a person from a path to legalization. I could go through this long list, but I will not, other than to tell you that every crime of moral turpitude, and many others, would disqualify one from this legal pathway.

What the Kyl-Cornyn amendment really does is undermine the earned citizenship program in the bill. It prevents potentially millions who are in the United States from applying for legal status because of status violations and not crimes. The vast majority of undocumented immigrants who would be affected by the Kyl-Cornyn amendment are not criminals but rather the exact classes of immigrants which we intended to help with title VI of the Judiciary Committee bill.

Our analysis of the Department of Homeland Security data shows that over 95 percent of the people who would be affected by the Kyl-Cornyn amendment have committed no crime. The

only crime they have committed is the fact that they are undocumented in America today.

I ask the chairman how it would improve the bill to remove the path for legalization for 95 percent of the people who would be affected by the Kyl-Cornyn amendment. If the Kyl-Cornyn amendment passes, the United States will still have a crisis of illegality, and we will not have what we hoped in the committee, a balanced approach which allows those who are currently here a long, arduous but legal way to reach their citizenship at some point in their lives.

Mr. SPECTER. Mr. President, I feel complimented that the distinguished Senator from Illinois has only disagreed with one thing I have said, because I have said quite a few things. If that implies that he agrees with the other things I have said, then he agrees with quite a lot of what I have said.

With respect to the specific, yes. I don't believe that the Kyl-Cornyn amendment would destroy the bill as characterized by the Senator from Illinois.

Let me add that the Senator from Illinois is a member of the committee and has been a very active and contributory member of the committee, and the committee has accomplished quite a lot because of the cooperation of Senator DURBIN, Senator LEAHY, and other Democrats and Republicans. It has been a very hard-working committee.

It is my hope to expedite the process of working on the bill. For that purpose, I am going to again ask unanimous consent that we vote on the Kyl amendment now.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, in order to try to bring the Senators to the floor to move along, I move—

Mr. KYL. Mr. President, will the Senator yield for a question before he does that?

Mr. SPECTER. I do.

Mr. KYL. Mr. President, if I could ask this question of the chairman of the committee because the Senator from Illinois just made a comment about what the pending amendment would do. The pending amendment specifies that a person who has committed a felony or three or four misdemeanors would be ineligible to participate in the program. The Senator from Illinois knows that under existing law people convicted of crimes of moral turpitude, certain drug offenses, and other multiple crimes are already prohibited from participating in the program.

But I ask the chairman of the committee if I may lay this predicate for the question: The INS Attorney Manual provides Department of Homeland Security attorneys with random examples of crimes that have been held not to be crimes of moral turpitude by the Board of Immigration Appeals and,

therefore, whether this sample list of crimes would be excluded from the bill that came out of the Judiciary Committee and, therefore, people who have committed crimes such as this would still be eligible to participate in the program and be put on the path to citizenship.

The sample includes burglary, loan sharking, involuntary manslaughter, assault and battery, possession of an unregistered sawed-off shotgun, riot, kidnaping, certain types not involving ransom, making false statements to a U.S. agency, contributing to the delinquency of a minor, abandonment of a minor child, alien smuggling, reentry after deportation, draft evasion, desertion from the Armed Forces, contempt of Congress, and contempt of court.

Many of these decisions, according to the manual, involve fines, distinctions of the technical element of state or foreign companies and sometimes crimes which are defined as crimes of moral turpitude.

That list goes to the specific crimes in the statute. You would have to determine whether a crime of moral turpitude was involved in order to know whether the individual would be permitted to take advantage of the underlying bill.

If an individual has committed a felony or three or four misdemeanors, under the amendment we have filed they would be ineligible.

I ask the chairman of the committee whether it would be wise public policy for someone who has committed a felony and has been convicted of committing a felony or three or four misdemeanors should participate in the program which would ultimately lead to citizenship.

Mr. SPECTER. Mr. President, I respond to the Senator's question by saying I think he has articulated sound public policy, and I support his amendment.

AMENDMENT NO. 3206

I now call for the regular order with respect to Kyl amendment No. 3206.

The PRESIDING OFFICER. The Senator has that right.

The amendment is now pending.

Mr. SPECTER. Mr. President, in moving to table the Kyl amendment, which I am about to do, I do so only to bring the Senators to the floor to try to move the process along. I intend to vote against tabling the Kyl amendment, but I do so, to repeat, to try to get the process moving. I like what the distinguished ranking member said about his willingness to start the votes soon. I hope we can move to that procedure.

I move to table Kyl amendment No. 3206. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, if I may direct a question to the Senator from Illinois, the assistant minority leader, does he wish to have Senator

REID speak before we vote on the amendment?

Mr. DURBIN. Yes, I do.

Mr. SPECTER. Mr. President, I ask unanimous consent that we await Senator REID's arrival to speak on the amendment and that we then vote on the motion to table.

Mr. LEAHY. Mr. President, before we do that, I believe the distinguished Senator from Connecticut wishes to speak.

Mr. SPECTER. May I amend my unanimous consent request? May we limit the time to 30 minutes equally divided, and at the end of the 30 minutes we go to a vote on my motion to table the Kyl amendment?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. DURBIN. Mr. President, parliamentary inquiry: Were the yeas and nays ordered on this vote?

The PRESIDING OFFICER. Yes, they were.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The minority leader.

Mr. REID. Mr. President, I apologize for being late. I was occupied when Senator SPECTER started talking about an event that I had out in the hall, and I thought it was important I come back to the floor. I came to spend a few minutes talking about some of his assertions.

But now what I want to focus on for a minute—Senator KYL stood and told the merits of his amendment, with a very brief outline he gave.

Senators KYL and CORNYN claim the Judiciary Committee bill would allow criminals to become residents. This simply is not true. The Judiciary Committee bill, like the McCain-Kennedy bill upon which it is based, already denies earned legalization to broad categories of aliens who have committed crimes or are a security risk to our country. Immigrants denied legalization include—and this is only a partial list—immigrants convicted of “crimes of moral turpitude: aggravated assault, assault with a deadly weapon, fraud, larceny, and forgery; immigrants convicted of controlled substance offenses: sale, possession, and distribution of drugs, drug trafficking; immigrants convicted of theft offenses, including shoplifting; immigrants convicted of public nuisance offenses; immigrants with multiple criminal convictions; immigrants convicted of crimes of violence; immigrants convicted of counterfeiting, bribery, or perjury; immigrants convicted of murder, rape, or sexual abuse of a minor; immigrants convicted of espionage or sabotage; immigrants believed to have engaged in terrorist activity, which is broadly defined; immigrants with any association with terrorist activity or representatives of a terrorist organization; spouses and children of individuals who

are inadmissible as a terrorist; immigrants known to have acted in ways that are deemed to have adverse foreign policy consequences.”

What the Kyl-Cornyn amendment does is undermine the earned citizenship program in the committee bill, which I strongly believe in. It would prevent millions of Mexicans, Central Americans, Irish, and other nationals from applying for legal status because of status violations, not crimes. The vast majority of undocumented immigrants who would be affected by this amendment are not criminal aliens but, rather, the exact classes of immigrants intended to be covered by title VI of the Judiciary Committee bill.

Our analysis shows that over 95 percent of the people potentially affected by this amendment are individuals whose only crime—and “crime” is very loosely construed for purposes of this discussion—is being in the United States out of status—95 percent.

If the Kyl-Cornyn amendment passes, the United States will still confront a crisis of illegality and it will deny the will of the American people, three out of four of who favor earned legalization for immigrants who work, pay their taxes, learn English, and stay out of trouble.

This bill before this body is a very fine piece of legislation. It sets a very strict standard to protect our national security. Our borders will be protected better than they have ever been protected. It will allow places such as Las Vegas, NV—and Las Vegas is not the only place. They are going to build within the next few years, 4 to 5 years, 50,000 new hotel rooms. They will need a minimum of 100,000 new workers. This legislation will allow that to happen. There are places all over America that are faced not with numbers that are as huge as that but with big numbers.

Finally, what this legislation that is now before the Senate does is it allows 11 million-plus people not to have to live in the shadows of America. It is a path to earned legalization—not like the old amnesty that was done when I served in the House of Representatives—but a path toward legalization. Stay out of trouble. Pay your taxes. Have a job. Learn English. Go to the back of the line.

We are here trying to protect the integrity of a bill that is bipartisan in nature and one of the best things to happen to this partisan atmosphere we find ourselves in. It is a bipartisan bill. Last week, we stood on this floor—and I do not think “boasted” is the right word—and talked about how good it was we were able to pass a bipartisan bill that improved the situation dealing with the ethics of this body and this country. Why can’t we continue on a bipartisan basis on this committee-reported bill?

So for individuals to come to this floor and think we are doing something that is anti-Senate, anti-American, because we do not want to vote on an

amendment that I think guts this bill does not mean there is anything wrong with those of us who believe this is what we should not do. And it does not take away from the good faith of my friend from Arizona. He thinks he is doing the right thing. I disagree with him a lot. I think what he is doing is wrong. I think it hurts this bill. And I am going to do everything I can to protect this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, let me yield some time to myself.

With all due respect, I disagree with my colleague, who has said the amendment would deny most of the people whom the bill is intended to benefit the benefits of the bill; namely, legal permanent residency and citizenship.

That is only true if most of the people who are supposed to receive benefits under the bill have committed a felony or three misdemeanors or have violated a court order to leave the country when they have been ordered to do so, or have not complied with a prior order of the DHS to depart if they are not eligible to participate in the program.

These are not the people we should be seeking to give the benefits of the program to. These are precisely the people who have demonstrated either they are criminals or that when you have given them the chance to comply with an immigration order, they have refused to do so. I do not think the Senator intended to say these are exactly the people we want to benefit under this program.

There are two large classes of people who would be potentially denied the benefits of the program by our amendment. The first is, instead of referring to crimes of moral turpitude or violation of a crime relating to a controlled substance—which are the two specific categories in the bill—we say any felony or three misdemeanors.

And examples of crimes, as I said before, that are not covered by the controlled substance or moral turpitude sections are: burglary; loan sharking; involuntary manslaughter; assault and battery; possession of an unregistered sawed-off shotgun; riot; kidnapping; abandonment of a minor child; alien smuggling; reentry after deportation, as I said; draft evasion; desertion from the Armed Forces; and others. These are crimes that would not be picked up in the pending bill.

So while it is true some crimes are covered and, therefore, some criminals would not get the benefits called for in this pending legislation, it is also true many others who have committed these other kinds of crimes would not in any way be restricted from participating in the benefits of the law.

The second group is those who have committed immigration violations, not just people who are in some status violation. Let me make that crystal clear. It is not simply because you overstayed

your visa. There are only two categories here. You have not complied with a prior Department order and, therefore, are not eligible to participate in the program.

In the hearing, by the way, of our subcommittee, we showed that between 80 and 85 percent of those released on bail failed to appear and comply with removal orders. Clearly, this has to demonstrate a disrespect for orders from immigration courts and should not be allowed to continue. These are exactly the kind of people you do not want to be participating in the program because they have already demonstrated a willingness to violate immigration law after being ordered to do so.

Secondly, those who have not only failed to depart after being ordered—they have entered illegally, but that is not what we are talking about here. Entering illegally does not count under this amendment to deny them benefits. Rather, you have to have done that and been ordered by the court to depart as a result of some violation and further refused to comply with the judge’s order.

So this is not just a status violation. Merely coming here illegally would not be covered by this amendment, period. You would have to commit a felony—been convicted of a felony, three misdemeanors, or have intentionally violated an order of the court to depart after having been ordered to do so by the court.

I think what this amendment does is to make it crystal clear that the intention of the Senate is that people participating in the program not be convicted criminals or people who have deliberately violated a court order dealing with departure from the United States.

It is interesting that most of the language we took came from the 1986 bill, and for some reason that language was omitted from the bill that is pending before the Senate. So it seems to me if we are going to at least get to most of the people we would not want to participate in this program, we would want to deny that right to those who have committed serious crimes, such as the ones I have articulated here.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to take the time allocated to me to address the larger issue of this bill; although, clearly, the amendment being offered by our colleagues from Arizona and Texas impacts the larger question: the decision of whether we deal with a part or the whole of the immigration issue.

You can make a case, obviously, that by just dealing with border security issues, you are dealing with an important and essential element of immigration reform. I would quickly argue that if you just deal with border security

and do not also deal with the phenomena of 11 million people who are here illegally, you would only be addressing half of the issue—a legitimate half of the issue—without any kind of recourse or plan on how you ultimately deal with the fact that we have 11 to 12 million people who are here under an illegal status.

So I appreciate the work of my colleague from Arizona, and I would be urging colleagues to vote no on the motion to table because I think we ought to have a bit more time to analyze and discuss exactly what the implications of this amendment are.

Mr. President, I rise to address the issue of comprehensive immigration reform. I want to acknowledge the work of those on the Judiciary Committee who have done a fabulous job, in my view, through extensive hearings and a very worthwhile markup session. I watched almost every minute of it. I was deeply impressed with our colleagues, Republicans and Democrats, who addressed this issue.

Let me be clear from the outset—something we need to say over and over and over again—immigration reform is first and foremost about protecting America's national security, our economy, and our citizens from the myriad of challenges we are going to face in the 21st century. We have no higher priority than those: to protect our national security, to protect our borders, and to protect our economy.

Therefore, any discussion of immigration reform must begin with an emphatic declaration of our intentions here: to secure our borders; to protect our citizens from a flood of people arriving here, albeit with good motives. But it is unrealistic to assume that any nation in this world can have open borders—unlimited for people who want to come here. So I believe it is extremely important we state that case at the outset.

But I also believe that it is an enormously complex and difficult issue. It is that very complexity that leads us to the concerns expressed by some of my colleagues. There is a very real temptation to deal only with certain aspects of immigration and to put off the more difficult matters to some future time and date. That is exactly what the other body did back in December when they passed a bill dealing only with the issue of border security and enforcement and neglected entirely dealing with the phenomena of 11 million human beings who reside in this country today without documentation.

Which brings me to the legislation currently before the Senate. One version, introduced by our colleague, Senator FRIST, mainly addresses border security and enforcement. Certainly, these are critical components of any immigration reform package. No bill should be considered comprehensive without them at all. But Senator FRIST's bill does not go nearly far

enough toward addressing the other monumental challenges we face on immigration, including the presence of more than 11 million human beings, undocumented, in the United States, who need to be brought out of the shadows and into the open.

In my view, turning our backs on this reality is the same thing as turning our backs on providing border security. If we had a bill before us that only dealt with how we handle 11 million people who are here illegally and not border security, that would be a flawed piece of legislation. The fact that you are dealing with just border security is equally flawed. We need to have both parts here if we are going to succeed.

Thankfully, of course, Senator SPECTER has provided us, along with the Judiciary Committee members, with an approach that does address both pieces of this problem. Is it an imperfect bill? Absolutely. Does it need more work? Absolutely. But clearly, it is one that brings the balance of dealing with border security, national security, and economic security, as well as realistically trying to deal with the 11 million undocumented workers who have come to our country.

The Specter amendment toughens our borders. We clearly need to do more to control these borders and to prevent individuals from illegally entering our country because, fundamentally, border control is a national security issue. The Specter amendment would provide advanced border security technologies to assist those tasked with protecting these frontiers. The Specter amendment would also improve our ability to enforce immigration laws by making structural reforms and increasing personnel and funding levels where they are needed most. I won't go into all the details here, but 12,000 new agents along that border will clearly help.

My good friend from Texas, Senator CORNYN, and I were privileged to attend a meeting in Mexico a few weeks ago, an interparliamentary meeting that I have attended for 26 years—odd years here, even years in Mexico. We were both deeply impressed with a document prepared by our colleagues in Mexico that has been signed by all five candidates for President of Mexico, which will be holding elections on July 2, as well as the major parties in Mexico. It is a rather short document. I will ask for it to be included in the RECORD. Senator CORNYN and I actually sent this to each of our colleagues to look at. But our friends from Mexico list national security, border security, as one of the guiding principles in what must be a part of any immigration reform proposal. It is worth reading because these issues are not only our concern but their concern as well. If Mexico is unwilling or incapable of helping us keep our borders secure, then this legislation will not work.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Mexican Congress adopted this document as a Concurrent Resolution]

MEXICO AND THE MIGRATION PHENOMENON

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entrance, return and transit of migrants are all present in our country.

Given the extent and the characteristics of today's migration phenomenon, which will continue in the immediate future and given the implications that it represents for our country's development, a new vision and a change are necessary in the way Mexican society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects in the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of shared responsibility, which acknowledges that both countries must do their share in order to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations intensified the dialogue and set in motion a process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon; these actions were taken with the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the link between migration and national security—mainly along the shared border—is now an essential issue of that agenda. On the other hand, the participation in the migration debate of varied political actors—especially legislators of both countries—has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform, represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the consequences that this process can have for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migratory issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded over shared diagnoses and platforms. Accordingly, the group has held a series of discussions titled Prospects and Design of Platforms for the Construction of a Mexican Migration Policy.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico's migration position and to offer some specific guidance regarding the process of migration reform in the United States.

PRINCIPLES

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico's migration policy:

The migration phenomenon should be fully understood by the Mexican State—society and government—because it demands actions and commitments that respond to the prevailing conditions.

The migration phenomenon has international implications that demand from Mexico actions and international commitments—in particular with the neighboring regions and countries—which, in accordance with the spirit of international cooperation, should be guided by the principle of shared responsibility.

Mexico's migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that facilitates their full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist.

Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migration status, as well as respecting the refugee and asylum rights, in accordance with the applicable international instruments.

The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring countries. Hence, it is necessary to consider those three elements when drawing up migration policies.

Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.

The migration processes that prevail in Mexico are regionally articulated—in particular with Central America—and, therefore the Mexican migration policy should deepen its regional approach.

RECOMMENDATIONS REGARDING THE COMMITMENTS THAT MEXICO SHOULD AGREE ON

Main recommendations considered by the group in order to update Mexico's migration policy:

Based on the new regional and international realities regarding immigration, transmigration and emigration, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a timeline of fifteen to twenty years.

It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.

If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them, Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.

Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use of false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.

It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.

Mexico's migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of shared responsibility and respect for human rights.

Order and security in Mexico's north and south borders must be fortified, with an emphasis on the development of the border regions.

Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the Cumbre Iberoamericana.

The review and, if necessary, adjustment of the judicial and institutional framework, in order to adequately respond to the present and the foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter-institutional mechanism of collaboration.

The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico's migration agenda.

ELEMENTS RELATED TO A POSSIBLE MIGRATION REFORM IN THE UNITED STATES

Mexico does not promote undocumented migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group decided to express certain thoughts about what is Mexico's position in case a migration reform takes place in the United States.

Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay. It is indispensable to find a solution for the undocumented population that lives in the United States and contributes to the development of the country, so that people can be fully incorporated into their actual communities, with the same rights and duties.

Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.

In order for a guest workers program to be viable, Mexico should participate in its design, management, supervision and evaluation, under the principle of shared responsibility.

A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants and the use of false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants, the establishment of supporting certification mechanisms, and the supervision and evaluation of its development.

Mexico acknowledges that a crucial aspect for the success of a temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.

Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their relatives, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.

Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This working group aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

Mr. DODD. The other provision I wish to address in the brief time I have available goes beyond the border security issue that the Specter amendment clearly addresses. Individuals have come to our country looking for work, and we know from surveys that 94 percent of undocumented males in this country are in fact working. These are not unemployed people who are looking for first-time jobs; these are people with jobs who saw a better opportunity in coming across our borders.

I know it has been said, but every one of us here can tell family stories going back a generation or more, regardless of where we have come from, on why our forebears came here. Mostly it was for economic reasons, in the past, or political reasons that made it difficult for our forebears to remain in the countries of their birth.

I acknowledge that people have come here illegally. That is wrong, and we need to put a stop to it. The Specter amendment also acknowledges that fact. It doesn't give these people a free ride at all. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines, pay all back taxes, submit themselves to background checks, and learn English. But then it does allow them to move out of that status. That is one of the differences.

If we add an additional burden, which our friends from Arizona and Texas are implying here, that if you came in under a legal visa and you have overstayed that visa, then you can never move out of that status again regardless of whether you have complied with these other provisions, it seems to me we are only compounding our problems.

Certainly, this legislation also provides an avenue for undocumented workers to come out in the open, to earn legalization. Earning legal status wouldn't be an easy process. An individual who takes advantage of this program would have to work for 6 years before he or she could even receive a green card. At that point, they would be put at the back of the line of some 3.5 million people who are legally seeking entry into the United States as I speak. They would come first. These undocumented workers would come after those people had been approved.

It would take a minimum of 5 additional years of steady employment before the individual could finally become an American citizen. That is 11 years. That is certainly not a light process to go through. With a pathway to citizenship—not amnesty at all but an earned pathway—we will provide incentives to undocumented workers to come out of the shadows of society.

Why is that important? For many reasons. Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement. It undermines worker protections. It is bad for security. It is bad for American workers. It is bad for undocumented immigrants themselves. Moreover, it is impossible to adequately protect U.S. national security if we don't know who is living within our borders. And by bringing undocumented workers into the open, we will help law enforcement professionals and our security services do their jobs: protecting the American people and enforcing our laws—there is no higher priority we have than that. And if we have a process that goes on for 11 years, a pathway, we begin to assist in that effort.

As I said, among other provisions, the Specter amendment would double the size of the Border Patrol over 5 years, adding 12,000 new agents to patrol our borders. It would expand the number of interior enforcement officers by 1,000 per year over each of the next 5 years. It would utilize advanced technologies to improve surveillance along the border, creating a virtual fence to detect and apprehend people who are illegally attempting to enter this country. And it would create new and increased penalties for individuals trying to subvert our borders with tunnels or who attempt to smuggle people into the U.S.

I support these measures. But they are only one part of the bigger equation. We also have to find a way to deal with the more than 11 million undocumented individuals living within our borders.

These are predominantly individuals who have come to the U.S. to make a living, and to support themselves and their families. Ninety-four percent of undocumented men, according to a March 7, 2006, Pew poll, choose to work. These are, for the most part, hardworking individuals, who are not here to flood the welfare rolls or collect our charity. They are here to work and to contribute. They want what all of our families wanted when they came to the U.S.—a piece of the American dream.

I acknowledge that they came here illegally and this is wrong. And so does the Specter amendment. It wouldn't give them a free ride. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines. It would require them to pay all back taxes, submit themselves to background checks, and learn English.

But critically, this legislation also provides an avenue for undocumented

workers to come out into the open, to earn legalization. Earning legal status wouldn't be an easy process either. An individual who takes advantage of this program would have to work for 6 years before he or she could even receive a green card. At that point, they would be put at the back of the line—behind everyone who has come here legally—and it would take a minimum of 5 additional years of steady employment before the individual could finally become an American citizen. That's 11 years in total.

With a pathway to citizenship, not an amnesty but an earned pathway, we will provide incentives to undocumented workers to come out of the shadows of our society. Why is this so important?

Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement and undermines worker protections. It is bad for our security, bad for the American worker, and bad for undocumented immigrants themselves.

Moreover, it is impossible to adequately protect U.S. national security if we don't know who is living within our borders. By bringing undocumented individuals out into the open, we will help law enforcement professionals and our security services do their job: protecting the American people and enforcing our laws. We will also help prevent the type of workplace abuses that are bad for everyone, Americans and immigrants alike.

Despite what has been said on this floor, not all people seek to come permanently to the U.S. Many seek temporary work here and desire to return home when that work is complete.

There are legitimate concerns that temporary workers might displace American workers who are available and willing to take a job. That should never be the case. Wherever possible, American jobs should be filled first and foremost with American workers.

The Specter amendment addresses this reality. It creates a new temporary worker classification to meet the needs of American businesses. It would also strengthen procedures to help ensure that no American workers are displaced when temporary workers are hired.

As I have said, the Specter amendment is truly comprehensive legislation. It would be impossible to discuss every provision in the bill at length. So I would just like to comment briefly on a few additional items of interest.

First, I am pleased that the Judiciary Committee included provisions of the DREAM Act in its legislation. I've long supported the DREAM Act, which in my view is a common sense measure, allowing undocumented students under the age of 16, who were brought into this country illegally through no fault of their own, a chance to complete higher education.

Qualifying students, however, will have had to live in the U.S. for at least

5 years prior to the date of enactment of this legislation. If they earn and advanced degree or serve our country in the Armed Forces, they would then be granted permanent status and allowed to petition for citizenship. Every student deserves a chance to learn and to serve a cause greater than themselves. This measure will give many deserving children that opportunity.

Finally, I would like to highlight a provision included in the Specter amendment that is receiving somewhat less attention. Throughout my tenure in the Senate, I've tried to raise awareness about western hemisphere affairs. Indeed during all my years in this body, I have served as a member of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs—even, for a time, as chairman. One thing I would note about the immigration issue, from a regional perspective, is that many of the problems we are facing—drug trafficking, crime, and insecurity—are also affecting our neighbors in the hemisphere. Just like us, they are struggling to address these seemingly intractable problems every day.

That is why I am pleased that in its bill, the Judiciary Committee included measures to help our neighbors. In particular, the Specter amendment would establish programs to help Guatemala and Belize fight human smuggling and gain control of their tenuous borders. It would also encourage strategic coordination across the hemisphere to fight the growing problem of gang violence. In my view, these are critically important provisions, and I hope we can do more to help some of our closest neighbors on these issues. Because in reality, we cannot solve our problems here without also addressing the roots of the problems abroad.

Unless we act now to address the enormous challenge posed by illegal immigration, the problem is only going to get worse. The Specter amendment isn't perfect—I think most of my colleagues would agree with that statement—but I do believe it is a critical measure that will help to resolve many of the challenges we face with respect to illegal immigration. I again thank my colleagues for their hard work and leadership on this issue.

My hope is that we strike that balance between border security, economic security, national security, and then also designing, as we have with the Specter amendment, a process that will allow for these people to move out of the shadows into the open, and into a legal status. It is a difficult path, a cumbersome path, but a path that will allow them to achieve that status at the end of the road.

I urge adoption of the Specter amendment, and I urge that we not table the Kyl amendment at this point, that we need to examine this issue even more carefully.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The time of the Senator has expired.

The Senator from Texas.

Mr. CORNYN. May I inquire how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. CORNYN. I ask to be notified when there is 2 minutes remaining and that that time be given to the Senator from Arizona.

The PRESIDING OFFICER. The Chair will so notify.

Mr. CORNYN. Mr. President, I know the Senator from Connecticut cares passionately about conditions. So do I, and so do all the Members of the Senate about trying to find a solution. We have dramatic differences between the solutions which have been proposed here and those which have been proposed by the House. But the way I interpret what the House did, it is to send a message to the Senate that first and foremost we need to build a foundation of border security to stop the people streaming across our border—yes, in search of a better life, but we know that mingled amongst those people who come here for economic reasons because they have, perhaps, no hope and no opportunity where they live, there may be a criminal. There may be a terrorist. While there are many people who do care passionately about trying to find a comprehensive solution to this problem, the kind of slow-boating we have seen so far during this debate isn't helping us get to that solution.

In fact, we have had three votes on amendments since this bill came to the floor. To those who say: Yes, we want to find a solution; yes, the bill that is on the floor is a good start, but maybe it is not perfect; the best way for us to proceed is to have some votes and to have some debate—that is the way this body, sometimes noted as the greatest deliberative body on Earth, is supposed to work. That is the way democracy works. I may win some of those votes. I may lose some. But let's have debate. Let's build a consensus in the country by building a consensus in this body about where we ought to go to find a solution, and then let majorities govern. Let's reconcile our differences with the House and then send a bill to the President that he will sign that is consistent with our values, consistent with our security interests, and consistent with our economic interests. That is what I want to do.

I believe many on the floor of the Senate want to do that. But what we have seen by the fact that the Democratic leadership has objected to allowing us to set aside pending amendments or have votes on pending amendments up until this point is that we have had three votes, and we are running out of time. The leader has allocated 2 weeks to debate this bill and hopefully to finish it by Thursday night or Friday, when we begin the next 2-week recess. But I am getting the distinct impression that the desire is not so much to pass a bill but, rather, to block the kind of democratic

process I just described a moment ago from even occurring, to prevent Senators from offering their suggestions by way of amendment and offering those to the Members for an up-or-down vote on the Senate floor. It bears some resemblance to some of the obstruction we have seen in the past, particularly when it comes to judicial nominations. It prevents the Senate from working its will. It prevents us from protecting the American people.

When I say "protecting the American people," I am advised that today, according to current numbers on illegal immigration across our borders, we have about 2,300 people coming each day into our country across our broken borders. Last year, it was 1.1 million people, but today and each day that we fail to protect our borders, each day we fail to deal with this very complex but urgent and important problem, we have 2,300 more people coming across our broken borders. I hope and pray that it is not someone who is bent on doing some harm to innocent life.

We know in a post-9/11 world that those who would exploit our broken borders could, if they had the desire, perhaps commit another heinous act like 9/11 within our country. We know that recently, there were those from this body who were investigating the possibility: Can you smuggle the ingredients of a dirty bomb across our borders? Indeed, they were able to do so by producing false identification. So we know America is vulnerable. But how irresponsible would it be to block the ability of this body to consider this bill, to pass it in due course, and to get it on the President's desk?

I fear there are those who want to jam this bill, as it is currently written, down the throats of those of us who have a different idea or prevent us from having those votes which are important to letting the process work. None of us has the authority to dictate to others what kind of legislation is going to pass out of this body. I am afraid that is what we are seeing. Those who preferred this particular approach in the Judiciary Committee bill are trying to jam it through the Senate, trying to deny those of us who have different ideas from presenting those ideas and offering them for a vote on the Senate floor.

This particular motion to table the amendment Senator KYL and I have proposed is illustrative of the important changes and improvements that need to be made to this bill. Indeed, if you compare this to 1986, the last time Congress passed an amnesty that failed completely, you will see a lot of similarities between the bill on the floor and that amnesty in 1986—except, believe it or not, the bill that is presently before the Senate is even worse. In 1986, the law said that if you are a convicted felon, if you have committed three misdemeanors, you are not eligible for amnesty. This bill on the floor does not provide that exclusion from the general grant of amnesty.

Furthermore, there are some who say: OK, convicted felons, people who commit misdemeanors, but don't exclude from the grant of amnesty the 4- to 500,000 people who have had their day in court, who are so-called absconders, who are under final orders of deportation, because it wouldn't be fair to exclude them from this general grant of amnesty.

I disagree. I believe if you have had one bite at the apple or if you have had your day in court, you have had due process of law but you have demonstrated your unwillingness to comply with the lawful order of a court, then you should not be given amnesty so that you can remain in this country because if you are demonstrating by your very first acts, once you have come to this country, that you have no respect for our laws, then how are we to expect that you will ever have respect for other laws that are important for public safety and for the welfare of the American people?

Among these 4- to 500,000 people who would be included as absconders that this motion to table seeks to prevent us from excluding under the general grant of amnesty, in 2004, the Immigration and Customs Enforcement detention and removal operations removed 165,000-plus aliens from the United States. Of those 165,000-plus, 65,000 had been previously formally removed or deported at least one time before. So not only are the people who are sought to be excluded from this general grant of amnesty guilty of violating our laws, many of them are guilty of violating it on a serial basis.

The PRESIDING OFFICER. Two minutes remains on the Senator's side.

Mr. CORNYN. I urge our colleagues not to table this important amendment, that we have an up-or-down vote on the Senate floor as soon as possible.

Mr. KYL. Mr. President, is there any time remaining on the other side?

The PRESIDING OFFICER. No.

Mr. KYL. Mr. President, I will take a couple of minutes to close. I gather this will be a 100-to-nothing vote not to table. I agree with the Senator from Texas. We should not table the amendment, but we should have a vote up or down on it. If you don't like it, then vote against it.

I will make something very clear. If you came across the border from Mexico into the United States, into Texas, Arizona, California or New Mexico, and you came across illegally, this amendment has nothing whatsoever to do with you—unless you also are a criminal or you have been convicted of a felony or of three misdemeanors or you are an absconder—that is to say, after you came into the country illegally, and you were ordered to leave by a judge, and you refused to leave. Those are the circumstances this amendment applies to. It doesn't apply to you if all you did was come in illegally. In other words, that status is not implicated by this amendment.

We simply seek to deny the benefits of this legislation—legal permanent

residency and a pathway to citizenship—to people convicted of a felony, three misdemeanors or, in this category of an absconder, which the Senator from Texas talked about. Why is this important? It is because there are a certain number of people who have violated such an order. They have failed to leave the country when they were ordered to do so.

According to the testimony before the subcommittee I chair in the Judiciary Committee, about a month ago, the statistics are now that about 10 percent of the people entering the country illegally are criminals; it is between 10 and 15 percent. They are serious criminals. I hope that my colleagues vote “no” on the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kyl amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 99, as follows:

[Rollcall Vote No. 87 Leg.]

NAYS—99

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Menendez
Baucus	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—1

Rockefeller

The motion was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

Mr. ALEXANDER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will turn to the chairman in a moment, but we are in an unusual situation. When we step back and look at this bill, we see we have an important bill that is a national security issue, an issue of fairness and equity, and we have a good

bill on the floor that does not have 60 votes. That is pretty clear today, after all of the discussions. Yet we are not allowed—in spite of having good amendments which can make this bill even better, we are not being allowed to move those amendments forward at all.

It is very clear by the last vote where the vote was, I think almost unanimous, that people are not serious about moving these amendments forward one at a time. I think it is disrespectful to the body itself because they are good amendments on both sides of the aisle that need to be debated and that need to come to a vote, and we are not allowed to do that. It is coming from the other side of the aisle.

I think that we need to get serious about it. It needs to be a dignified debate and a civil debate. Right now, we are not going to finish the bill. It is in effect being blocked by the other side because we are not allowed to get amendments to the floor so that at some point this bill could reach a threshold of 60 votes.

So I am very frustrated now, and I think colleagues on both sides of the aisle are. I know the chairman is. We had about 2 hours of debate earlier this afternoon that made it very apparent that the other side is trying to stop the bill. I just plead with our colleagues to come together and have both sides be able to offer their amendments.

It is Tuesday. If we work tonight and we work Wednesday and Thursday and Friday, we can pass a bill that will address border security, that will address interior enforcement and worksite enforcement, and that will address the issue of a temporary worker program that is fair to the 12 million or 13 million or 11 million people out there today who are here illegally.

That is what can be achieved. But the other side is basically delaying, postponing, obstructing, and not allowing us to consider amendments, and that is all that we ask.

Mr. ALEXANDER. The Democratic leader.

Mr. REID. Mr. President, I think it takes a lot to criticize the fact that Republicans are offering amendments and we wouldn't allow votes on them. This has been the history of the Republican-controlled Senate for years: not allowing us to have votes on amendments that we offer, or wanted to offer. How many amendments have there been? Minimum wage, Dubai Ports, health care in many different areas such as stem cell, prescription drugs, and importation of prescription drugs. So there may be some logical issues that could be propounded as to why the majority doesn't like what is going on here. But the fact that we are not allowing votes on amendments should fall on deaf ears because we are experts at trying to offer amendments and not having votes on them.

So I repeat what I said a little while ago. We have on the Senate floor today a bipartisan piece of legislation. Over

here, we are united. We like the bill. The vast majority of us in the minority really like this bill, the one that is before the Senate right now. For example, the Kyl amendment, which was not tabled—it was moved in an effort to table their own amendment, which was somewhat surprising to me, but it wasn't tabled. The Kyl amendment, as I have explained on the floor before, would defeat a very good bipartisan bill. It would take what I believe, from my eyes, is the integrity of the bill, it would take it away.

This is a good bill, a bill that has strong enforcement. It provides for guest workers, and those in America who are interested in business support this. For example, the Chamber of Commerce, including the National Chamber of Commerce, supports those provisions in this bill, and then, of course, the path to legalization, which is so American, not anti-American—the path to legalization for these people.

I don't believe we should do amnesty. I was part of that in 1986 and it didn't work very well, and that is an understatement. This is not amnesty, what is in this bill. I like it. The vast majority of the minority likes it.

So we are willing to have our efforts rise or fall on this bill that is before the Senate. We are not going to allow amendments like Kyl-Cornyn take out what we believe is the goodness of this bill.

Mr. ALEXANDER. The majority leader.

Mr. FRIST. Mr. President, I interpret what the Democratic leader said to be that we have a bill on the floor that is a good bill and a solid bill but that the other side of the aisle does not want to give us the opportunity to amend that bill in any way, that they just want to flat out deny that. And I say—and that is my question—that the other side really just wants one vote, and it is on a bill that is a good bill, but we haven't given everybody here the opportunity to participate and debate and amend. That is my interpretation. I think that is wrong. I say that because we just voted 99 to 0 not to table the Kyl amendment.

So the Kyl amendment is pending, and it is the regular order of business that has been pending Thursday, Friday, Saturday, Sunday, Monday, Tuesday—6 days, 7 days it is pending, and they will not give us a vote, an up-or-down vote on the Kyl amendment. It is as simple as that.

The signal is that we are not going to consider any amendments. In fact, the statement is that we are not going to consider any amendments. Let us go straight and see if this underlying bill has a 60-vote cloture; is that correct?

Mr. REID. Mr. President, I will be happy to respond to that. I will respond to the distinguished majority leader. We have had three votes on Frist-Reid, Bingaman, and the other was—anyway, we have had three amendments, and they are amendments that we would be

happy to sit down and discuss, as I indicated earlier, and—the other is the Alexander amendment, thank you—sit down and find a way we can proceed.

We have Mikulski-Warner, Dorgan-Snowe-Burns, the Bond amendment, I think it is Collins, Brownback-Lieberman have an amendment, Stevens-Leahy have an amendment. So there are some amendments we could work on.

But let me just say this: We are happy to try to work something out. It is my belief—and people could disagree. It is certainly everyone's right to disagree. I don't think some of these amendments, some of these amendments I have talked about, would take away what I call the integrity of the bill. But I do say to my friend—and he is my friend, the distinguished majority leader—we have had example after example in the last many years where there is legislation on this floor and we are not allowed to offer amendments. We offer them once in a while, we don't get votes on those, and we are not allowed to offer amendments.

As my mother would say, they are getting a taste of their own medicine.

Mr. FRIST. Mr. President, again, I would ask—the Kyl amendment was not tabled, so it is the pending amendment. And I would ask if the other side would be willing to give us a rollcall vote on that amendment. It is not tabled at this juncture.

Mr. REID. The answer is no.

Mr. FRIST. The answer is no. That is the first one.

Let us go to the Mikulski amendment, the next one that has been pending for X number of days, and I would ask that we consider the Mikulski amendment and take it to a vote and vote on it right now.

Mr. REID. Mr. President, as I said just a few minutes ago, I would be happy to have the two managers, with the appropriate staff—I have listed a number of amendments here: Mikulski-Warner-Snowe, Dorgan-Burns, Bond, Collins, Brownback, Stevens-Leahy, maybe the Allard amendment, which I haven't read in its entirety, but I think that is appropriate. I think what we should do—there are a number of these, and you may have some others on the other side that we could work out and set up a sequence of when we should vote on these, how much time should be used in debate. I would be happy to do that.

Mr. FRIST. Mr. President, I think it is clear. We are seeing in essence a stonewalling of the bill on the other side, an important bill that is of national security. There are four amendments—the Kyl-Cornyn amendment is the official amendment. We are being denied an up-or-down vote. The next one is Isakson; we are ready to vote on that. The next one is Dorgan; we are ready to vote on that. The next one is Mikulski; we are ready to vote on that. We are ready to vote on all four of those.

What it sounds like to me is that the Democratic leader wants to pick our

amendments and then we will consider and we will think about it, knowing—that we have Tuesday night, Wednesday, Thursday, and Friday to complete this bill. We are making no progress whatsoever because they are not allowing us to vote on amendments in the order that they are there. So it is apparent to me—and I agree, we will let the managers work on it, but it is apparent to me that the Democrats are not serious about passing a bill that affects the security of this Nation.

Mr. ALEXANDER. The minority leader.

Mr. REID. Mr. President, the Democrats are very serious about passing a bill that affects the security of this Nation—this legislation and other legislation but particularly this legislation. We believe that the first provision of this legislation, which we talked about from the very beginning, is border security, security for our Nation. This legislation that is now before the Senate will do that. But in addition to that, we want enforcement plus.

So as I have indicated, we want to pass the legislation right now. We would be happy to vote on this bill right now.

Mr. President, I ask unanimous consent that the bill before the Senate be moved to third reading right now and vote on it.

Mr. SPECTER. Mr. President, I object.

Mr. ALEXANDER. Objection is heard.

Mr. SPECTER. Mr. President, it would be a travesty of the procedures of the Senate to vote on this bill without giving Senators an opportunity to file amendments. It would just be—it is hard to find the right characterization—a travesty, unheard of, unthinkable, unprecedented, idiotic—strike idiotic; the Supreme Court has that word for its own—but our procedure is to vote on amendments.

Mr. President, I ask the distinguished Democratic leader if he would agree to start voting tomorrow morning at 9:30 on the list of amendments he identified. Senator LEAHY and I are prepared to work through the night and start voting tomorrow morning at 9:30 on those amendments.

Mr. REID. Those that I mentioned?

Mr. SPECTER. The ones you mentioned.

Mr. REID. I would be happy to work with our manager, and with Senator KENNEDY, and come up with the sequence of how we should vote on these and how much time should be spent on each amendment. I would be happy to vote on that.

Mr. SPECTER. May we start the voting tomorrow morning at 9:30?

Mr. REID. I don't know; 9:30, or sometime tomorrow morning, if we work out a sequence on these. That would be fine with me.

Mr. SPECTER. So we will start voting tomorrow morning sometime on the sequence of amendments that you have identified. And may we carry that

further on other amendments which are pending? You haven't identified any other amendments—

Mr. FRIST. Mr. President, reserving the right to object, the courtesy to colleagues here should be at least to include the ones that are pending that I have read: Kyl-Cornyn, Dorgan, and Mikulski, that have been pending for days and days, rather than allowing the Democratic leader to cherry-pick amendments to vote on.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, the use of words of the distinguished chairman of the Judiciary Committee—"travesty, unprecedented, unthinkable"—whatever those were, those are words I am going to remember. I should have come up with those before on all the many times that we were unable to offer amendments on legislation that was pending before the Senate. But I think, as usual, the distinguished chairman of the Judiciary Committee did an outstanding job of describing what happens when people are not allowed to offer amendments. We are experts at recognizing when we are not able to offer amendments.

As I say, again, we have a number of amendments we would be happy to vote on. My friend, the majority leader, said he wanted to add in those that are pending, and we could not agree to that.

Mr. SPECTER. Could I ask the distinguished Democratic leader if we can establish a procedure where the distinguished ranking member and I—we are the managers of the bill—go through the list of amendments and decide a sequencing of votes on these amendments—there must be more than those identified by the Senator from Nevada—and try to get the bill rolling with the votes, as you say, starting sometime tomorrow morning?

Mr. REID. I have the greatest confidence in our ranking member, PAT LEAHY. I have spoken in his behalf on this floor so many times I can't count it, but we have, in addition to Senator LEAHY, 44 other members of our caucus. I am not going to give you and Senator LEAHY carte blanche as to what amendments would be offered and in what order.

Mr. DOMENICI. Senator SPECTER, would you yield for 1 minute?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. REID. I am happy to yield to my friend, the distinguished Senator from New Mexico, for a statement of 1 minute or 2 minutes, whatever he cares to speak.

Mr. DOMENICI. I didn't want to ask you because what I was going to say you wouldn't like.

Mr. REID. I may not like what you say, but I like you.

Mr. DOMENICI. Thank you very much. I tell you, I really cannot believe what I heard here today. I have been here 34 years, and I cannot believe what I have heard today. I have heard

a minority leader say we are peeved because we have not had what we think is a fair shake over the last couple of years since you have been running this place, so we are going to manage this bill from the minority leader chair, and there are going to be no amendments considered unless the minority, the ranking minority Member of the Senate puts his imprimatur on them.

Mr. LEAHY. Imprimatur.

Mr. DOMENICI. No matter how important the bill is—imprimatur, no matter what it is. I said it the Italian way. You said it the French way. You all know what it meant: stamp of approval. Stamp of approval.

I have never heard of such a thing, never saw Senators standing around—they were in awe. What is he talking about?

The bill that is before us, he likes. He has had a caucus, and those Senators on the other side said this is a neat bill, this is what we want to pass, and we sure don't want any amendments offered and voted on that stir up that thing we like so much to any extent because we don't want to get our Senators in any trouble. We don't want them voting on any of these kinds of things that muddle up this bill. So our leader is going to stand up here and say we have just changed the Senate, and we are going to do it this way. There will be no amendments unless HARRY REID, elected as the minority leader of the Senate, says, "OK."

Fellow Senators, I don't believe it. As a matter of fact, I thought when the distinguished leader of the other side, who is my dear friend—dear friend, he knows that—when he got up and answered our leader and started with this business about minimum wage and these other things—I thought he had a nothing case. I thought, my God, he's dreaming them up. He has nothing to say.

What does that have to do with this bill, the minimum wage, the way we didn't let amendments come up on that? It has nothing to do with this bill, one of the most important bills confronting America. It has been said that it is at the turning point of relationships between Mexico and America. And we have one Senator who has looked at the bill and said: It is good for our side of the aisle. We like it just like it is, and we don't care what the rules of the Senate are, there will be no amendments. We are in charge.

I am sorry, Mr. Leader. You were right. You said it too mildly. I goofed up some words, but I said it right, and Senator REID is not right on this one. He is right many times. This is not right. He is not right. He should not do this. The Senate should not let him do it.

If there is some way to not let him do it, he should not be permitted to do it. He knows we can't do that. He knows we cannot do that. He is too smart about the rules of the Senate. He knows we cannot say he cannot do it. But the Senate should say he cannot do

it. I am telling you Senators, Democrats and Republicans, you should say he cannot do that.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. REID. Mr. President, I have said nonchalantly, to put it in perspective, how much I appreciate the work of the members of the Judiciary Committee on this bill.

I am not going to spend a lot of time on this other than to say I think it is so important that we understand the time people have spent on this issue. The Senator from Massachusetts, Senator KENNEDY, has been working on this issue of immigration for 35 years. He has seen what has happened in years past with all the different pieces of legislation. I can remember legislative battles on the Senate floor that we had with disputes between him and Alan Simpson, the distinguished former Senator from Wyoming, who everyone knows was such a good Senator, with such a great sense of humor.

Senator LEAHY has, I think, done such an admirable job of being ranking member on this committee.

We have gotten work done on this committee that no one ever expected could be done. And the principal reason that work was able to be accomplished is because of the relationship that was developed between the chairman and ranking member, Senator SPECTER and Senator LEAHY.

If someone had come to me a month ago and said we would be in the status we are on this immigration bill, I would have said: No, I don't think that could be accomplished. I do not think we can get a bill out of that committee.

But as I have said publicly, and certainly I have said it to the distinguished majority leader, I thought his bill alone, dealing with enforcement only, was inappropriate and not good. I was surprised—but pleasantly surprised—with the work product that came out of the Judiciary Committee.

Even when the distinguished majority leader said that he and the ranking member would work during the week that we had off to see if they could come up with a proposal, I kept checking with Senator LEAHY and other members of the Judiciary Committee. And they felt there was a lot of movement.

When that committee met on Monday, there were compromises made, and a bipartisan bill came before the Senate; again, pleasantly surprising me and, to me, proving that when people work together to accomplish a goal and

there is a partnership between those leading the committee, members of the committee usually go along with that leadership as they did in this instance.

I appreciate the good work, and I support this legislation.

CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the Specter substitute amendment No. 3192.

Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, and Daniel K. Akaka.

Mr. REID. I yield the floor.

Mr. LEAHY. Mr. President, the Senate has taken significant and constructive steps over the past week toward fixing our Nation's broken immigration system. On March 27, the Senate Judiciary Committee reported a comprehensive and bipartisan package that is tough but smart.

We sent to the Senate a bill that includes critical law enforcement and border security measures—tougher than the bill introduced by the majority leader earlier last month. Our bill, which was passed by a strong bipartisan 12-to-6 vote in committee, also includes realistic solutions for the problem of the millions of undocumented presently living inside our borders. We do not offer these aliens amnesty but create an incentive for them to come out of the shadows, register, and earn the opportunity to obtain legal status over the course of 11 years.

Over the past week, we have taken strides to see these proposals passed into law. I thank the many Senators who have come to the floor to speak in support of the committee bill. Senators MCCAIN and KENNEDY, who did the hard work of drafting many of these measures, have made strong statements explaining why the committee bill is not an offer of amnesty but represents an earned path to legalization and eventual citizenship. Senator FEINSTEIN spoke about how this bill is tough on enforcement but pragmatic in its temporary worker and legalization programs.

I thank Senator DURBIN for his eloquent statement last week describing the DREAM Act, which is included in the committee bill. Senator LINCOLN, Senator SALAZAR, and Senator OBAMA have all come to speak in favor of the "enforcement-plus" measures in the bipartisan bill.

We have voted to approve several amendments that further strengthen

the bill. Senator BINGAMAN's amendment to bolster national security by assisting local law enforcement in border States was approved overwhelmingly yesterday. So was Senator ALEXANDER's amendment to strengthen citizenship programs, and last week, we passed a Frist-Reid amendment to study the tragic deaths occurring at the border between the United States and Mexico.

I hope we will vote next on the important amendment offered by Senator MIKULSKI with a long list of cosponsors from both sides of the aisle. The Mikulski amendment will bring relief to employers by easing the shortfall of seasonal workers.

I hope we will also vote on amendments that will be offered by Senator BILL NELSON to add additional enforcement provisions to the Committee bill.

We have before us an opportunity to take a historic vote on a realistic and reasonable system for immigration. Our bill protects America's borders, strengthens enforcement, and remains true to American values. We should pass this bill this week.

Mr. BYRD. Mr. President, today, I speak on the Specter-Leahy substitute to S. 2454, the Frist border security bill.

At the present time, the Frist bill contains no amnesty for illegal aliens. However, if the Specter-Leahy substitute is adopted, it would effectively attach a massive amnesty for 8 to 12 million illegal aliens and provide those illegal aliens with a path to U.S. citizenship. According to immigration experts, the pending substitute amendment—with its guest-worker program and amnesty for undocumented aliens—would open the gates to 30 million legal and illegal immigrants over the next decade.

I oppose this amnesty proposal—absolutely and unequivocally. I urge the Senate to pass a clean border security bill like the House did—without amnesty, without a guest-worker program, and without an increase in the annual allotment of permanent immigrant visas.

For more than 4 years, the Nation has wondered how 19 terrorists managed to penetrate our border defenses to carry out the September 11 attacks. It chills the blood to think of those terrorists crossing our borders not once, but several times, in the months before the attack—easily outsmarting our border security checks to plot their dastardly scheme. They walked among us as tourists, students, and business travelers. Three of them even stayed in the United States as illegal aliens.

Today, more than 4 years later, our country remains dangerously exposed to terrorists seeking to penetrate our border defenses. Since September 2001, an estimated 2 million new illegal immigrants have successfully beaten our border and interior security, and are now settled in the United States. That's 2 million new illegal immigrants since the Government pledged

to regain control of the border after the 9/11 attacks.

Our immigration agencies are plagued with management and morale problems. They still do not have an exit-entry system with interoperable, biometric watch lists to accurately identify who is entering the country. We still cannot tell who is leaving the country. The requirement for foreign visitors to use biometric, machine-readable passports continues to be delayed, exempting millions of aliens each year from background checks. The administration, still, stubbornly refuses to support the resources our border and interior enforcement agencies need to effectively do their jobs.

Meanwhile, the immigrant population continues to surge. The Center for Immigration Studies calculates that 1.5 million immigrants are settling both legally and illegally in the United States each year. The U.S. Census Bureau projects that immigration will be a major cause of the population of the United States increasing to 400 million people in less than 50 years.

The National Research Council estimates that the net fiscal cost of this massive immigration ranges from \$11 billion to \$22 billion per year, with the infrastructure of our Nation—our schools, our health care system, our transportation and energy networks—increasingly unable to absorb this untenable surge in the population.

Many tout the additional border and interior enforcement personnel authorized since September 2001, but the President's budget has not come anywhere close to funding those authorizations. Homeland security expenditures have been capped at levels that prohibit the Congress from adequately filling the gaps. Senator GREGG and I have had to fight for every additional nickel and dime that goes into our border security. It is never enough.

Immigration enforcement in the United States remains decidedly halfhearted. We are pulling our punches. Tougher border security mandates are signed into law, but then not fully funded. Statutory deadlines are set, but then indefinitely postponed. Undocumented aliens are denied Social Security cards, but then issued driver's licenses and taxpayer identification numbers. Employers are warned not to hire illegal labor, but then allowed to sponsor, without penalty, their illegal workforce for legal status. Funds are not requested to perform even the barest level of work site enforcement. We send troops abroad ostensibly so that we don't have to fight terrorists on American streets, but then we turn a blind eye to millions of unauthorized, undocumented, unchecked aliens—any one of whom could be a potential terrorist.

When lawmakers and the so-called pundits comment that our current system is unworkable, it's because we haven't really tried to make it work. The contradictions in our immigration policies are undeniable. Lawmakers

decry illegal immigration, but then advocate amnesty proposals which only encourages more illegal immigration. Advocates may try to distance themselves from that word—"amnesty". They may characterize their proposals as "guest worker" programs or "temporary visas", but the effect is the same—to waive the rules for lawbreakers, and to legalize the unlawful actions of undocumented workers and the businesses that illegally employ them.

Amnesties are the dark and sinister underbelly of our immigration process. They tarnish the magnanimous promise of a better life enshrined on the base of the Statue of Liberty. They minimize the struggle of all those who dutifully followed the rules to come to this country, and of all those who are still waiting abroad to immigrate legally. Amnesties undermine that great egalitarian and American principle that the law should apply equally and fairly to everyone. Amnesties perniciously decree that the law shall apply to some, but not to all.

Amnesties can be dangerous, dangerous proposals. Amnesties open routes to legal status for aliens hoping to circumvent the regular security checks. By allowing illegal aliens to adjust their status in the country, we allow them to bypass State Department checks normally done overseas through the visa and consular process. One need only look to the 1993 World Trade Center bombing, where one of the terrorist leaders had legalized his status through an amnesty, to clearly see the dangers of these kinds of proposals.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, in the interior, and in its processing of immigration applications. It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks. The pending proposal would shove 30 million legal and illegal aliens—many of whom have never gone through a background check—through our border security system, in effect, flooding a bureaucracy that is already drowning. It's a recipe for utter disaster.

Amnesties beget more illegal immigration—hurtful, destructive illegal immigration. They encourage other undocumented aliens to circumvent our immigration process in the hope that they too can achieve temporary worker status. Amnesties sanction the exploitation of illegal foreign labor by U.S. businesses, and encourage other businesses to hire cheap and illegal labor in order to compete.

President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the same promises we hear today—that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. It didn't work then, and it won't work today. The 1986 amnesty failed miserably.

After 1986, illegal immigrant population tripled from 2.7 million aliens, to 4 million aliens in 1996, to 8 million aliens in 2000, to an estimated 12 million illegal aliens today.

In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers. The result is always the same: For every group of illegal aliens granted amnesty, a bigger group enters the country hoping to be similarly rewarded.

The pending substitute amendment embodies this same flawed model. It's more of the same: More amnesties, more guest worker programs, more unfunded mandates on our immigration agencies. We ought to be focusing on how to limit the incentives for illegal immigration, and erase the contradictions in our immigration policies that encourage individuals on both sides of the border to flout the law and get away with it.

What's backwards about the pending substitute amendment is that it is actually rewarding illegal aliens. It rewards illegal behavior. It authorizes illegal aliens to work in the country. It grants illegal aliens a path to citizenship. It pardons employers who illegally employ unauthorized workers. It even repeals provisions in current law designed to deny cheaper, in-state tuition rates to illegal aliens.

The pending amendment is a big welcome mat for illegal immigrants. It is a misguided and dangerous proposal that would doom this Congress to the failures of previous Congresses.

The economist John Maynard Keynes once described the qualification for an economist as being the ability to study the present, in the light of the past, for the purpose of looking into the future. Patrick Henry echoed those sentiments more than a century earlier when he said:

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past.

Our Nation's experience shows that amnesties do not work. They are dangerous proposals that reward and encourage illegal immigration. Our experience shows that we cannot play games with our border security or American lives could be lost.

I will oppose the Specter-Leahy substitute amendment, and I urge my colleagues to do likewise.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a

period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 18, 2006, in Savannah, GA, Travis McLain, was beaten by Charles Pickett in what appears to be a crime motivated by hate. McLain suffered a concussion and lost several teeth when he was attacked in a local parking garage. McLain has stated that Pickett used anti-gay language while attacking him. Georgia Equality, the state's largest gay rights organization is calling this attack an anti-gay hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the votes on Senator BINGAMAN's amendment, No. 3210, vote No. 84, and Senator ALEXANDER's amendment, No. 3193, vote No. 85, on Monday, April 3, 2006. Had I been present for these votes, I would have voted in favor of both amendments.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Energy and Natural Resources Committee is holding a conference to delve into some of the policy questions that have delayed efforts to move forward with legislation addressing global warming. As many Americans have realized—even in the face of an absolute void of leadership from this current administration—one of the greatest challenges currently facing us is how to reduce our contributions to global climate change before it is too late for changes to matter. In fact, the majority of the American public believes that they have an individual role to play in being a part of the solution. And the public is looking to us, their elected leaders, to provide the framework for change.

As many people know, Senators LIEBERMAN and MCCAIN have been the longtime champions of raising awareness of global warming. Today's conference, under the leadership of Senators DOMENICI and BINGAMAN, demonstrates that more and more elected officials are willing to take a stand in recognizing the imminent need for action. Along with my constituents, I hope that the time will soon come when a majority of the U.S. Congress is willing to follow their lead.

On the heels of today's conference, another Senate committee is scheduled to consider the issue of global warming. Tomorrow, the Commerce Committee's Global Climate Change and Impacts Subcommittee will hear about the administration's approach to the issue. While the administration favors developing and sharing new zero and low-carbon technologies with developing nations, I submit that our citizens are looking for bold action that addresses more than how we will help developing countries—they want to know what we plan to do domestically.

Mr. President, if there ever was a time when it was all right to ignore global warming, that time has long passed. We have got to get real about this issue—and getting real will require a commitment to reducing our dependence on oil instead of continually talking about opening up a wildlife refuge for oil drilling. For, if we continue turning our backs on the reality of climate change, we might as well be turning our backs on our grandchildren—and this is why I am optimistic that the Senate's treatment of global warming is nearing its own tipping point, a point after which we will provide the leadership that our constituents are increasingly expecting from us.

TRIBUTE TO TIM PETTY

Mr. SANTORUM. Mr. President, I would like to take a moment and acknowledge the dedicated service of Tim Petty, director of information resources for the U.S. Senate Republican Conference, which I chair. Tim is moving on to become a Deputy Assistant Secretary at the U.S. Department of Interior, and today is his last day serving the Senate.

Since 1999, Tim has served as an integral team leader in the creation and development of the Internet technology department established by the Senate Republican Conference. This department was created to help the Conference implement a comprehensive technology strategy to help the Republican leadership efficiently and effectively use evolving Internet communication capabilities.

Over the course of the past 7 years, Tim has led efforts and worked in collaboration with Senate and leadership offices in transforming the way the conference communicates and disseminates information using 21st century strategies and technology. Tim is always thinking of the next step, the next tool, the next idea.